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Washington, Friday, March 28, 1952

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10333

FURTHER EXEMPTION OF BERNICE PYKE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Bernice Pyke, Collector of Customs for Customs Collection District No. 41, with headquarters at Cleveland, Ohio, who was exempted from compulsory retirement for age by Executive Order No. 10225 of March 17, 1951, for an indefinite period of time not extending beyond March 31, 1952, be further exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered that the said Bernice Pyke be, and she is hereby, further exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the appointment and qualification of her successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 25, 1952.

[F. R. Doc. 52-3647; Filed, Mar. 27, 1952;
11:08 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 361—ROUTINE

AMENDMENT TO CLARIFY STATUS OF STATE AND COUNTY COMMITTEEMEN

Section 361.42 (d) in Title 6, Code of Federal Regulations (13 F. R. 9438), is amended to read as follows:

§ 361.42 Policies. . . .

(d) Personnel of the Farmers Home Administration will not perform any of the following functions or services for borrower associations: (1) Serve as offi-

cials; (2) perform any administrative or employee functions with respect to any phases of the business; (3) perform clerical services, maintain financial or other records, prepare financial reports or develop operating budgets for the associations. This will not prohibit the necessary training of association Boards of Directors, committees and employees in the performance of their respective duties or the exercise of official duties by Farmers Home Administration employees specifically authorized in individual cases for the protection of the Government's financial interests. This paragraph does not apply to State and County Committeemen who are members but not directors or officers of borrowing associations; however, no such State or County Committeemen may act upon any matters relating to Farmers Home Administration loans to associations in which they hold memberships.

(Secs. 6 (3), 41 (1), 50 Stat. 670, 529, sec. 3, 60 Stat. 1066; 16 U. S. C. 590w (3), 7 U. S. C. 1015 (1))

DERIVATION: § 361.42 (d) contained in
FHA Instruction 451.3 II D.

MARCH 3, 1952.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: March 24, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3514; Filed, Mar. 27, 1952;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 904.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in

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FEDERAL REGISTER

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addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds

and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handler to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (November 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.2 (d) by deleting the present language and substituting therefor the following:

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler received nonpool milk during any of the preceding months of July through March except that the term shall not include any person who was a producer-handler during such July-March period.

2. Amend § 904.21 (f) by deleting the present language and substituting therefor the following:

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of July through March, shall be a nonpool plant in any of the immediately succeeding months of April through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through March was in the handler's capacity as a producer-handler.

3. Amend § 904.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

4. Amend § 904.40 (e) by deleting the present Class I Price Schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125	3.45	3.61	3.89
126-132	3.67	3.23	4.11
133-139	3.89	3.45	4.33
140-146	4.11	3.67	4.55
147-153	4.33	3.89	4.77
153-159	4.55	4.11	4.99
160-166	4.77	4.33	5.21
167-173	4.99	4.55	5.43
174-180	5.21	4.77	5.65
181-187	5.43	4.99	5.87
188-194	5.65	5.21	6.09
195-201	5.87	5.43	6.31
202-208	6.09	5.65	6.53
209-215	6.31	5.87	6.75
216-222	6.53	6.09	6.97
223-229	6.75	6.31	7.19

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

5. Delete § 904.40 (f) and (g) and re-number paragraph (h) in § 904.40 as (f).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952 except amendments to §§ 904.2 (d) and 904.21 (f) which shall be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3523; Filed, Mar. 27, 1952;
8:48 a. m.]

PART 925—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, hereinafter referred to as the "order," it is hereby found and determined that the provisions appearing in § 925.51 (a) of such order which read "through March 1952 and thereafter the basic formula price plus \$1.45" do not tend to effectuate the declared policy of the act for the month of April 1952.

A public hearing was held at Seattle, Washington, on March 11-14, 1952, to consider, among other things, a proposal to amend the order for the purpose of continuing the Class I price differential of \$1.87, which has been in effect since September 1951, until such time as it might be modified by a "supply-demand mover." Request was made also by proponents of this amendment for the retention of such differential of \$1.87 pending action on the proposed amendment. Notice of rule-making regarding a possible suspension action was given to interested parties along with the notice of hearing and was published in the FEDERAL REGISTER on February 22, 1952 (17 F. R. 1665). The notice of rule-making stated that consideration would be given at the hearing to the necessity for suspension action regarding the Class

I price provisions pending the issuance of any amendments to such provisions. The evidence received at the hearing indicates that temporary suspension of the automatic decrease in the differential effective as set forth below is necessary to reflect current marketing conditions by encouraging the maintenance of a sufficient supply of pure and wholesome milk for the said marketing area and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. No testimony was offered at the hearing in opposition to a suspension action. The action taken will not result in an increase in the Class I price for April above the level for March.

It is hereby further found and determined that compliance with the effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest. The changes caused by this termination order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the provisions of the order (No. 25) as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area which appear in § 925.51 (a) and read as follows "through March 1952 and thereafter the basic formula price plus \$1.45" be and they are hereby suspended for the month of April 1952.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of March 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3521; Filed, Mar. 27, 1952;
8:47 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 934.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon

the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952 in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Lowell-Lawrence, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952 and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which

is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as follows:

1. Amend § 934.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947-49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 934.40 (f) and (g) and renumber paragraphs (h) and (i) in § 934.40 as (f) and (g).

3. Amend § 934.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula Index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
110-125.....	3.97	3.53	4.41
126-132.....	4.19	3.75	4.63
133-139.....	4.41	3.97	4.85
140-146.....	4.63	4.19	5.07
147-152.....	4.85	4.41	5.29
153-159.....	5.07	4.63	5.51
160-166.....	5.29	4.85	5.73
167-173.....	5.51	5.07	5.95
174-180.....	5.73	5.29	6.17
181-187.....	5.95	5.51	6.39
188-194.....	6.17	5.73	6.61
195-201.....	6.39	5.95	6.83
202-208.....	6.61	6.17	7.05
209-215.....	6.83	6.39	7.27
216-222.....	7.05	6.61	7.49
223-229.....	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3515; Filed, Mar. 27, 1952; 8:46 a. m.]

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 947.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing

of milk in the Fall River, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) Determinations. It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Fall River, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 947.50 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947-49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Com-

merce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 947.50 (f) and (g) and re-number paragraphs (h) and (i) in § 947.50 as (f) and (g).

3. Amend § 947.50 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125.....	4.26	3.82	4.70
126-132.....	4.48	4.04	4.92
133-139.....	4.70	4.26	5.14
140-146.....	4.92	4.48	5.36
147-152.....	5.14	4.70	5.58
153-159.....	5.36	4.92	5.80
160-166.....	5.58	5.14	6.02
167-173.....	5.80	5.36	6.24
174-180.....	6.02	5.58	6.46
181-187.....	6.24	5.80	6.68
188-194.....	6.46	6.02	6.90
195-201.....	6.68	6.24	7.12
202-208.....	6.90	6.46	7.34
209-215.....	7.12	6.68	7.56
216-222.....	7.34	6.90	7.78
223-229.....	7.56	7.12	8.00

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[F. R. Doc. 52-3520; Filed, Mar. 27, 1952; 8:47 a. m.]

PART 980—MILK IN THE TOPEKA, KANS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 980.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing

was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1952. This action is necessary in the public interest in order to reflect current market conditions and to insure an adequate supply of milk. Any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Topeka, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held February 21, 1952, and the decision having been executed by the Secretary on March 17, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the Federal Register (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Topeka, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the proviso appearing at the end of § 980.5 (a) (1) and substitute therefor the following: "Provided, That for the month of April 1952 such Class I price shall be the price determined pursuant to paragraph (b) of this section plus \$1.45."

2. Delete the proviso appearing at the end of § 980.5 (a) (2) and substitute therefor the following: "Provided, That for the month of April 1952 the Class II price shall be the Class I price minus 25 cents."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952 to be effective on and after the 1st day of April 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3522; Filed, Mar. 27, 1952; 8:47 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 996.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at

such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended will seriously threaten the orderly marketing of milk in the Springfield, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952, and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is

produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 996.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947-49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 996.40 (f) and (g) and renumber paragraphs (h) and (i) in § 996.40 as (f) and (g).

3. Amend § 996.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula Index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125.....	3.97	3.53	4.41
126-132.....	4.19	3.75	4.63
133-139.....	4.41	3.97	4.85
140-146.....	4.63	4.19	5.07
147-152.....	4.85	4.41	5.29
153-159.....	5.07	4.63	5.51
160-166.....	5.29	4.85	5.73
167-173.....	5.51	5.07	5.95
174-180.....	5.73	5.29	6.17
181-187.....	5.95	5.51	6.39
188-194.....	6.17	5.73	6.61
195-201.....	6.39	5.95	6.83
202-208.....	6.61	6.17	7.05
209-215.....	6.83	6.39	7.27
216-222.....	7.05	6.61	7.49
223-229.....	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3519; Filed, Mar. 27, 1952; 8:46 a. m.]

PART 999—MILK IN THE WORCESTER, MASS., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 999.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendment to the Class I pricing provisions hereinafter set forth be made effective not later than April 1, 1952, so as to reflect current marketing conditions. Any delay beyond April 1, 1952, in the effective date of this order amending the order, as amended, will

seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, the recommended decision having been published in the FEDERAL REGISTER (17 F. R. 2063) March 8, 1952 and the final decision having been executed by the Secretary on March 18, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Worcester, Massachusetts marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 999.40 (a) and (b) by deleting the present language and substituting therefor the following:

(a) Compute an index of wholesale prices by multiplying by 1.6 the latest available monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947-49 as the base period.

(b) Compute an index of per capita disposable income in New England as follows:

(1) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage";

(2) Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President.

(3) Divide the result by 785 and multiply by 100.

2. Delete § 999.40 (f) and (g) and renumber paragraphs (h) and (i) in § 999.40 as (f) and (g).

3. Amend § 999.40 (e) by deleting the present Class I price schedule and substituting therefor the following:

CLASS I PRICE SCHEDULE

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
119-125.....	3.97	3.33	4.41
126-132.....	4.19	3.75	4.63
133-139.....	4.41	3.97	4.85
140-146.....	4.63	4.19	5.07
147-152.....	4.85	4.41	5.29
153-159.....	5.07	4.63	5.51
160-166.....	5.29	4.85	5.73
167-173.....	5.51	5.07	5.95
174-180.....	5.73	5.29	6.17
181-187.....	5.95	5.51	6.39
188-194.....	6.17	5.73	6.61
195-201.....	6.39	5.95	6.83
202-208.....	6.61	6.17	7.05
209-215.....	6.83	6.39	7.27
216-222.....	7.05	6.61	7.49
223-229.....	7.27	6.83	7.71

If the formula index is more than 229, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the 6 highest index brackets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1952, to be effective on and after the 1st day of April 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[P. R. Doc. 52-3519; Filed, Mar. 27, 1952; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 27—IMPORTED PRODUCTS

AMENDMENT OF REGULATION SPECIFYING COUNTRIES FROM WHICH PRODUCT (MEAT, MEAT BYPRODUCT, AND MEAT FOOD PRODUCT) IS ELIGIBLE FOR IMPORTATION INTO THE UNITED STATES

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of June 17, 1930 (19 U. S. C. 1306) and after public notice (17 F. R. 1427) and due consideration of all relevant material presented pursuant

thereto, § 27.2 (b) of the regulations in 9 CFR, Chapter I, Subchapter A, as amended, issued under said section, is hereby amended to read as follows, for the purpose of adding Germany (Federal Republic) to the list of countries specified therein from which meat, meat byproduct, and meat food product may be imported into the United States as provided in said regulations:

(b) It has been determined by the Secretary of Agriculture that product from the following foreign countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in 9 CFR, Part 94, as amended, is eligible for importation into the United States after inspection and marking as required by this subchapter:

Argentina.	Ireland (Eire).
Australia.	Italy.
Belgium.	Luxembourg.
Brazil.	Madagascar.
Canada.	Mexico.
Cuba.	Netherlands.
Czechoslovakia.	New Zealand.
Denmark.	Northern Ireland.
Dominican Republic.	Norway.
England and Wales.	Paraguay.
Finland.	Poland.
France.	Scotland.
Germany (Federal Republic).	Spain.
Honduras.	Sweden.
Iceland.	Switzerland.
	Uruguay.
	Venezuela.

(Sec. 306, 46 Stat. 689, 19 U. S. C. 1306)

Effective date. The foregoing amendment shall be effective on March 28, 1952.

Since the amendment relieves restrictions it may properly be made effective under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 25th day of March 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[P. R. Doc. 52-3561; Filed, Mar. 27, 1952; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES AND RELATED SUBJECTS

SUBPART B—FORESTRY OR LUMBERING OPERATIONS INCIDENT TO OR IN CONJUNCTION WITH FARMING OPERATIONS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, Reorganization Plan No. 6 of 1950 and General Order No. 45A of the Secretary of Labor, Subpart B is revised to read as follows:

Sec.	
780.60	Introductory statement.
780.61	Scope of subpart.
780.62	Statutory provisions considered.
780.63	Forestry or lumbering operations as such not exempt.
780.64	What constitutes forestry and lumbering operations "incident to or in conjunction with" farming operations.
780.65	Exemption not based on number of employees.

AUTHORITY: §§ 780.60 to 780.65 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201.

§ 780.60 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the United States Department of Labor as to that portion of section 3 (f) of the act which refers to forestry or lumbering operations have been expressed in interpretations issued from time to time in various forms. The purpose of this subpart is to make available in one place general interpretations of the Department of Labor which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."¹ The interpretations contained in this subpart indicate, with respect to that portion of section 3 (f) of the Fair Labor Standards Act, as amended,² which refers to forestry or lumbering operations, the construction of the law which the Secretary of Labor and the Administrator of the Wage and Hour Division believe to be correct and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. The interpretations contained in this subpart are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act,³ so long as they remain effective and are not modified, amended,

rescinded, or determined by judicial authority to be incorrect.

(b) All general and specific interpretations issued prior to September 9, 1947, with respect to that portion of section 3 (f) of the Fair Labor Standards Act which refers to forestry or lumbering operations were rescinded and withdrawn by § 780.60 (b) of the general statement on this subject, published in the FEDERAL REGISTER on that date as Subpart B of Part 780. To the extent that interpretations contained in such general statement or in releases, opinion letters and other statements issued on or after September 9, 1947, are inconsistent with the provisions of the Fair Labor Standards Amendments of 1949, they do not continue in effect after January 24, 1950.⁴ Effective on the date of its publication in the FEDERAL REGISTER, this Subpart B replaces and supersedes the general statement on this subject previously published in the FEDERAL REGISTER (12 F. R. 5961), as Subpart B of Part 780 of this chapter, which statement is hereby rescinded and withdrawn. All other administrative rulings, interpretations, practices and enforcement policies relating to that portion of section 3 (f) of the act which refers to forestry or lumbering operations are, to the extent that they are inconsistent with or in conflict with the principles stated in this subpart, hereby rescinded and withdrawn.

§ 780.61 *Scope of subpart.* This subpart relates solely to the interpretation of that portion of section 3 (f) of the Fair Labor Standards Act which includes certain forestry or lumbering operations in "agriculture" for purposes of exemptions applicable to employment in agriculture. For interpretations of the exemption provided by section 13 (a) (15) of the act, as amended, with respect to employees employed in certain forestry or logging operations by employers who employ not more than twelve employees in such operations, reference should be made to the interpretative bulletin contained in Part 788 of this chapter. Other interpretative bulletins should be referred to for guidance with respect to the act's general coverage of forestry or lumbering operations based on interstate or foreign commerce or the production of goods for such commerce: The general coverage of the wage and hours provisions is discussed in Part 776 of this chapter; the general coverage of the child

labor provisions is discussed in Subpart G of Part 4 of this title.

§ 780.62 *Statutory provisions considered—(a) Exemptions for agriculture.* Section 13 (a) (6) of the Fair Labor Standards Act exempts from both the wage and hours provisions "any employee employed in agriculture." Section 13 (c) of the act exempts from the child labor provisions of section 12 "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed" (see § 4.123 of the interpretative bulletin on child labor, Subpart G of Part 4 of this title).

(b) *Definition of "agriculture".* Agriculture is defined in section 3 (f) as follows:

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(c) *"Forestry or lumbering operations" not defined.* The act does not define the term "forestry or lumbering operations". For present purposes it will be assumed that it refers to the cultivation and management of forests, the felling and trimming of timber, the cutting, hauling, and transportation of timber, logs, bolts, cordwood, lumber, and like products, the sawing of logs into lumber or the conversion of logs into ties, posts, and similar products, and similar operations.

§ 780.63 *Forestry or lumbering operations as such not exempt.* While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, its application has been limited in section 3 (f). The language of that section clearly indicates that forestry and lumbering operations are practices which will be considered agricultural only if "performed by a farmer or on a farm as an incident to or in conjunction with such farming operations." It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not within the exemption of sections 13 (a) (6) and 13 (c).

§ 780.64 *What constitutes forestry and lumbering operations "incident to or in conjunction with" farming operations—(a) General test.* The line between forestry or lumbering operations which are "incident to or in conjunction with" the farming operations described in section 3 (f), and those which are not, is not susceptible of precise definition. The agricultural exemptions, however, include forestry or lumbering operations, as they include other "practices" referred to in section 3 (f) (See Subpart A of this part), only when they constitute a subordinate and established part of

¹Skidmore v. Swift & Co., 323 U. S. 134. Under Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950, and pursuant to General Order No. 45A issued by the Secretary of Labor on the same date, interpretations of the provisions (other than the child labor provisions) of the Fair Labor Standards Act, as amended, are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor, subject to the general direction and control of the Secretary. See 15 F. R. 3290.

Under Reorganization Plan No. 2 of 1946 (11 F. R. 7873), effective July 16, 1946, and pursuant to General Order No. 42 issued by the Secretary of Labor on July 1, 1949, interpretations of the child labor provisions of the Fair Labor Standards Act, as amended, are issued by the Secretary of Labor.

²52 Stat. 1060, as amended by 54 Stat. 611, by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946, by the Portal-to-Portal Act of 1947 (61 Stat. 84), by the Fair Labor Standards Amendments of 1949 (63 Stat. 910), and by Reorganization Plan No. 6 of 1950 (64 Stat. 1263), effective May 24, 1950.

³Public Law 49, 80th Cong., 1st sess. (61 Stat. 84), discussed in Part 790 (statement on effect of Portal-to-Portal Act of 1947). See in this connection Reorganization Plan No. 6 of 1950 (15 F. R. 3174) and footnote 1, above.

⁴Section 16 (c) of the Fair Labor Standards Amendments of 1949 (63 Stat. 910) provides:

Any order, regulation, or interpretation of the Administrator of the Wage and Hour Division or of the Secretary of Labor, and any agreement entered into by the Administrator or the Secretary, in effect under the provisions of the Fair Labor Standards Act of 1938, as amended, on the effective date of this act, shall remain in effect as an order, regulation, interpretation, or agreement of the Administrator or the Secretary, as the case may be, pursuant to this act, except to the extent that any such order, regulation, interpretation, or agreement may be inconsistent with the provisions of this act, or may from time to time be amended, modified, or rescinded by the Administrator or the Secretary, as the case may be, in accordance with the provisions of this act.

the farming activities. Whether forestry or lumbering operations performed by a farmer are thus subordinate can be determined in any given case only upon an examination of all the relevant facts. Examples of facts which would tend to show such a relationship would be that most of the employees engaged in such operations are normally employed also in farming operations upon the farm, and that the forestry or lumbering operations occupy only a minor portion of the time of the farmer and his employees.

(b) *Operations not part of farming are not included.* (1) It seems clear that the exemptions provided by sections 13 (a) (6) and 13 (c) were not intended to include lumbering operations which constitute the principal or a separate business of the "farmer." Thus, where an employer owns several thousand acres of timberland on which he carries on lumbering operations and cultivates about 100 acres of farm land which are contiguous to such timberland, he would not be entitled to the benefit of the exemptions so far as his forestry or lumbering operations are concerned. While section 3 (f) speaks of forestry or lumbering operations performed "in conjunction with" as well as "incident to" farming operations, it would be an unreasonable construction of the act to hold that lumbering operations were to be regarded as agricultural if the lumber operator did any farming, no matter how little, or resorted to tilling a small acreage for the purpose of qualifying for exemptions.*

(2) Where a farmer is engaged in lumbering operations on logs or timber grown on other farms as well as his own, such operations would not be incidental to or in conjunction with his farming operations. In our opinion such operations would not fall within the exemption.

(3) Under section 3 (f) forestry or lumbering operations are within the agriculture exemption when performed by a farmer or on a farm, but only "as an incident to or in conjunction with such farming operations." This excludes from the exemption logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner, unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for immediate cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations."

* *Ridgeway v. Warren*, 60 F. Supp. 363 (M. D. Tenn.); *In re Combs*, 5 W. H. Cases 595 (M. D. Ga.); 10 Labor Cases (COH) par. 62802.
* *Cf. Farmers Irrigation Co. v. McComb*, 337 U. S. 755; *Bowie v. Gonzalez*, 117 F. 2d 11 (C. A. 1).

§ 780.65 *Exemption not based on number of employees.* The fact that the employer employs fewer than a certain number of employees in forestry and lumbering operations incidental to his farming operations does not in itself provide a basis for exemption. The applicability of the act's exemptions for agriculture to employees engaged in forestry or lumbering operations depends on whether such operations are performed by a farmer or on a farm as an incident to or in conjunction with the farming operations described in section 3 (f) of the act, rather than on the employment by the employer of a number of employees which is greater or less than some specified figure. These exemptions are thus to be distinguished from the exemption provided by section 13 (a) (15) (discussed in Part 788 of this chapter) which is limited to employers employing not more than 12 employees in the forestry or logging operations described therein.

Signed at Washington, D. C., this 24th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage
and Hour and Public Contracts
Divisions.

[F. R. Doc. 52-3430; Filed, Mar. 27, 1952;
6:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 4,
Correction]

CPR 92—CEILING PRICES OF LAMB, YEARLING, AND MUTTON PRODUCTS SOLD AT WHOLESALE

INDEFINITE SUSPENSION OF ALLOCATION PROVISION; CORRECTION

Ceiling Price Regulation 92, Amendment 4, Indefinite Suspension of Allocation Provision (17 F. R. 2549), is corrected by changing the issuance and effective dates appearing at the end of the document to read "March 21, 1952."

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 26, 1952.

[F. R. Doc. 52-3621; Filed, Mar. 26, 1952;
4:26 p. m.]

[Ceiling Price Regulation 78, Amdt. 5 to
Supplementary Regulation 2]

CPR 78—BASIC ALCOHOLIC BEVERAGE REGULATION

SR 2—DISTRIBUTORS OF IMPORTED AND DOMESTIC PACKAGED DISTILLED SPIRITS AND WINES

EXTENSION OF EFFECTIVE DATE FOR RETAILERS AND "ON-PREMISE LICENSEES"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment 5 to Supplementary Regulation 2 to CPR 78 is hereby issued.

STATEMENT OF CONSIDERATIONS

The provisions of Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 78 require retailers and certain "on-premise licensees" of packaged distilled spirits and wines to perform extensive calculations to arrive at their ceiling prices and to make a record of those calculations and the resulting ceiling prices. Amendment 4 to SR 2 stipulated that those sellers must have their ceiling prices determined and the necessary records prepared and placed in their files by April 1, 1952. However, a revision of those provisions of SR 2 which apply to retailers and "on-premise licensees" is presently being considered. That revision will radically change the present pricing technique and will eliminate the calculation and record-keeping requirements of the current provisions. It is unlikely, however, that the revision will be completed by April 1, 1952. Therefore, to avoid requiring calculations and preparation of records by the sellers affected, this amendment extends indefinitely the mandatory effective date of SR 2 for retailers and "on-premise licensees" and omits the requirement that OPS Public Forms be prepared for any of their ceiling prices calculated under SR 2. Consequently, until issuance of the contemplated revision a retailer or "on-premise licensee" may determine his ceiling price for each one of his items either under SR 2, without the necessity of preparing OPS Public Forms, or under GCPR (or CPR 31, for imports).

In the formulation of this amendment there was consultation with industry representatives, including trade association representatives, to the extent practicable, and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 2 to Ceiling Price Regulation 78 is amended in the following respects:

1. The phrase "April 1, 1952, or such earlier effective date as you select for the item," which appears in section 54 (a), 55 (a) and 60 (a), is changed to read "the effective date you select for the item".

2. The date "March 31, 1952", which appears in sections 55, 56, 57 and 61, is changed to read "the effective date of this supplementary regulation" and the word "inclusive" is omitted wherever it appears in those sections.

3. The last sentence is omitted from sections 54 (a) (4), 55 (a) (4), 56 (a) (3) and 60 (a) (5).

4. Sections 54 (b), 55 (b), 56 (c) and 60 (b) are omitted in their entirety.

5. Paragraph (b) of section 80 is changed to read as follows:

(b) The mandatory effective date of this supplementary regulation, for retailers and "on-premise licensees", is postponed until further action by the Director of Price Stabilization. If you

are a retailer or "on-premise licensee" you may, however, select any earlier effective date between October 31, 1951, and the date of such further action by the Director for any or all of your items.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

Effective date. This amendment is effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3658; Filed, Mar. 27, 1952; 12:21 p. m.]

[Ceiling Price Regulation 113, Revision 1, Collation 1]

CPR 113—WHITE FLESH POTATOES

COLL 1—INCLUDING AMENDMENTS 1-4

Ceiling Price Regulation 113, Revision 1, is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 113, Revision 1, was issued January 21, 1952 (17 F. R. 696). Statements of Consideration for Ceiling Price Regulation 113, Revision 1, and for Amendments 1-4, inclusive, as previously published, are applicable to this republication. The effective dates of this revised regulation, and of the amendments, are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.

1. What this revised regulation does.
2. Ceiling prices for country shippers and growers.
3. Ceiling prices for intermediate sellers and shipping point distributors.
4. Grade, size, and packaging differentials.
5. Potato futures.
6. Imports and exports of potatoes.
7. Sales slips and receipts.
8. Treatment of excise taxes.
9. Compliance with this revised regulation.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 8105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 10 contained in Ceiling Price Regulation 113, Revision 1, January 21, 1952 (17 F. R. 696), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 113, Rev. 1, January 21, 1952, 17 F. R. 696; Amendment 1, February 7, 1952, 17 F. R. 1212; Amendment 2, February 11, 1952, 17 F. R. 1393; Amendment 3, February 21, 1952, 17 F. R. 1683; Amendment 4, March 17, 1952, 17 F. R. 2324.

SECTION 1. What this revised regulation does—(a) Coverage of this revised regulation. This revised regulation establishes ceiling prices for all sales (except by retailers) of white flesh potatoes except certified and foundation stock seed potatoes. All definitions of major terms used in this regulation are in section 10. As used in this revised regulation, "potatoes" means white flesh potatoes.

(b) **Pricing provisions to be used.** F. o. b. country shipping point ceiling prices for potatoes and ceiling prices for growers are established under section 2 of this revised regulation. Ceiling prices for sales by intermediate sellers are established under section 3 of this revised regulation.

[Paragraph (b) amended by Amdt. 3]

(c) **What this revised regulation supersedes.** For the produce and sellers covered, this revised regulation supersedes the General Ceiling Price Regulation. (16 F. R. 808.)

(d) **Where this revised regulation applies.** This revised regulation applies in the 48 States of the United States and in the District of Columbia.

(e) **Month to be used in computation of ceiling prices.** In making sales of potatoes covered by this regulation, you shall calculate your ceiling prices as if you had purchased the potatoes being priced in the month in which you sell them.

For example: You are a carlot distributor of potatoes and you purchase in February a carlot of U. S. No. 1 potatoes produced in Maine, packed in 100-pound sacks. You sell these potatoes to a primary receiver in the month of March. Assuming that the cost of rail transportation from the country shipping point in Maine to the wholesale receiving point is \$1.00 per hundredweight for the potatoes being priced, you calculate your ceiling price as follows:

Primary price under sec. 3 (a): F. o. b. country shipping point base price per hundredweight in Maine during March (although you bought in February) \$3.70

Plus assumed cost of rail transportation plus 6 cents per hundredweight..... \$1.00
Markup under sec. 3 (b): Your markup for sales per hundredweight of potatoes to other intermediate sellers..... .10

Ceiling price: Your ceiling price is.... 4.80

[Paragraph (e) added by Amdt. 3]

SEC. 2. Ceiling prices for country shippers and growers. If you are a country shipper, as defined in section 10, you shall calculate your f. o. b. shipping point ceiling price for potatoes by first determining a "base price". You shall then determine your "adjusted base price" by adding to or subtracting from your base price as indicated, certain grade, size and washing differentials. Finally, you shall adjust the "adjusted base price" for consumer size packaging differentials. Your final result is your f. o. b. country shipping point ceiling price per hundredweight for potatoes prepared for shipment and loaded on a carrier.

If you are a grower who is not a country shipper, as defined in section 10, your ceiling prices for potatoes are determined as provided in paragraph (h) of this section.

[Above paragraphs amended by Amdts. 2 and 3]

(a) **Base price.** You first determine your base price for the producing area and month during which the potatoes being priced are sold as set forth in Table I below:

TABLE I—BASE PRICES FOR WHITE FLESH POTATOES

Producing States	Dollars per hundredweight				
	February	March	April	May	June
Iowa, Minnesota, North Dakota, South Dakota.....	3.45	3.55	3.60	3.65	3.65
Wisconsin.....	3.50	3.60	3.65	3.70	3.70
Kansas, Missouri.....	3.55	3.65	3.70	3.75	3.75
Utah.....	3.55	3.65	3.70	3.75	3.75
Maine.....	3.60	3.70	3.75	3.80	3.80
Illinois, Indiana.....	3.65	3.75	3.80	3.85	3.85
Michigan.....	3.65	3.75	3.80	3.85	3.85
Alabama, Georgia, Louisiana, South Carolina.....	3.75	3.85	3.90	3.95	3.95
Arizona.....	3.75	3.85	3.90	3.95	3.95
Arkansas, Tennessee, Oklahoma.....	3.75	3.85	3.90	3.95	3.95
Mississippi.....	3.75	3.85	3.90	3.95	3.95
New Hampshire, Vermont.....	3.75	3.85	3.90	3.95	3.95
California (other than Modoc and Siskiyou Counties).....	3.75	3.85	3.90	3.95	3.95
California (Modoc and Siskiyou Counties only), Nevada, Oregon (other than Malheur, Baker, Union and Wallowa Counties).....	3.75	3.85	3.90	3.95	3.95
Colorado.....	3.75	3.85	3.90	3.95	3.95
Delaware, Kentucky, Maryland, New Mexico.....	3.75	3.85	3.90	3.95	3.95
North Carolina, Virginia.....	3.75	3.85	3.90	3.95	3.95
Washington.....	3.75	3.85	3.90	3.95	3.95
New York (other than Long Island), Pennsylvania.....	3.80	3.90	3.95	4.00	4.00
Ohio.....	3.80	3.90	3.95	4.00	4.00
Connecticut, Massachusetts, New Jersey, New York (Long Island only), Rhode Island.....	3.85	3.95	4.00	4.05	4.05
West Virginia.....	3.85	3.95	4.00	4.05	4.05
Nebraska, Wyoming.....	3.95	4.05	4.10	4.15	4.15
Idaho, Oregon (Malheur, Baker, Union and Wallowa Counties only).....	4.15	4.25	4.30	4.35	4.35
Montana.....	4.15	4.25	4.30	4.35	4.35
Florida, Texas.....	4.75	4.85	4.90	4.95	4.95

* Indicates start of "new crop" marketing season. Earlier prices cover the nominal quantities that may be marketed from the "old crop."

[Table I amended by Amdts. 3 and 4]

(b) **Adjusted base price.** To find your adjusted base price, you adjust your base price as determined under para-

graph (a) of this section by the grade, size and washing adjustments set forth in Table II below:

[Above paragraph amended by Amdt. 2]

TABLE II—GRADE, SIZE, AND WASHING ADJUSTMENTS

Grade and size	Amount to be applied per hundredweight
(a) Grade:	
1. U. S. No. 1 or better.....	None.
2. Below U. S. No. 1 but U. S. Commercial or better or 85 percent U. S. No. 1.....	Subtract 25 cents.
3. Below U. S. No. 1 but 60 percent U. S. No. 1 or better.....	Subtract 50 cents.
4. Idaho Standard Grade (under Idaho Law as of Jan. 1, 1952).....	Subtract 50 cents.
5. All other grades (including ungraded).....	Subtract \$1.
[Paragraph (a) amended by Amdt. 3]	
(b) Size (applies only to U. S. No. 1 grade or better):	
1. Size A 2-inch minimum diameter; or Size A 4-ounce minimum weight.....	Add 10 cents.
2. Round or intermediate varieties:	
(a) 2¼-inch minimum diameter.....	Add 25 cents.
(b) 2½-inch minimum diameter.....	Add 40 cents.
(c) 3-inch minimum diameter.....	Add 50 cents.
3. Long varieties:	
(a) 6-ounce minimum weight.....	Add 25 cents.
(b) 8-ounce minimum weight.....	Add 40 cents.
(c) 10-ounce minimum weight.....	Add 50 cents.
4. Size B, new crop harvested between Dec. 15 and June 15.....	Subtract 35 cents.
5. All other sizes.....	Subtract \$1.

[Paragraph (b) amended by Amdt. 3]

(c) Washing (applies to all grades and sizes): Washed potatoes as defined in section 10 (u) of this regulation. This allowance applies to storage potatoes only. "Storage potatoes" are defined in section 10 (v). Amount to be applied per hundredweight: Add 20 cents.

[Paragraph (c) added by Amdt. 2]

NOTE: An additional premium of 15 cents per hundredweight may be added if a maximum not in excess of 1 inch in diameter or 6 ounces in weight over the minimum for the same potatoes is specified. This added premium only applies when such minimum is 2¼ inches in diameter or 6 ounces in weight or more. In order to qualify for the "minimum" adjustment, not more than 5 percent of the potatoes may be smaller than the amount indicated. In order to qualify for the "maximum" adjustment, not more than 15 percent of the potatoes may be larger than the amount indicated. No more than one premium may be added. For example, if you sell long variety potatoes, U. S. No. 1, 6-ounce minimum, you may add only 25 cents per hundredweight. If you sell potatoes which are U. S. No. 1, 6-ounce minimum—10-ounce maximum, you may add only 40 cents per hundredweight. If you sell potatoes which are U. S. No. 1, size A, 2-inch minimum to 2½-inch maximum, you may add only 10 cents per hundredweight.

(c) Your ceiling price. (1) Finally, you adjust your adjusted base price, as determined under paragraph (b) of this section, by the packaging adjustments set forth in Table III below:

TABLE III—PACKAGING ADJUSTMENTS

Type of pack	Amount to be applied per cwt.
a. Bulk or in containers furnished by purchaser.	Subtract 30 cents.
b. Paper bags:	
50 pounds.....	Subtract 10 cents.
15 pounds.....	Add 20 cents.
10 pounds.....	Add 30 cents.
5 pounds.....	Add 70 cents.
c. Paper bags (window type):	
15 pounds.....	Add 30 cents.
10 pounds.....	Add 40 cents.
5 pounds.....	Add 90 cents.

TABLE III—PACKAGING ADJUSTMENT—CON.

Type of pack	Amount to be applied per cwt.
d. Cotton, mesh, burlap or transparent film bags:	
50 pounds.....	Add 15 cents.
25 pounds.....	Add 30 cents.
15 pounds.....	Add 50 cents.
10 pounds.....	Add 70 cents.
5 pounds.....	Add \$1.40.
e. Packed in master containers.	Add 20 cents.
f. Packed in 24-J crates.	Add 85 cents.
(For sales to the Armed Forces only.)	

[Table III amended by Amdt. 3]

(2) Your base price as adjusted under paragraphs (b) and (c) of this section is your ceiling price per cwt. of white flesh potatoes f. o. b. country shipping point at least graded, sized, packed and loaded on the carrier.

For example: If you are a country shipper and sell during the month of February ungraded potatoes in bulk produced in Maine and packed in used burlap sacks furnished by the purchaser, your ceiling price is \$2.30 per hundredweight. (Maine February price of \$3.60 minus \$1.00 for ungraded potatoes, minus 30 cents for sales in sacks furnished by purchaser).

(d) Delivered ceiling prices. If you are a country shipper, your ceiling prices for potatoes delivered to a wholesale receiving point shall be your f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation from the country shipping point to the wholesale receiving point plus 6 cents per hundredweight. "Cost of rail transportation" is defined in section 10 of this regulation.

(e) Sales to retailers or commercial users—(1) Retailer's warehouse. If you are a country shipper, your ceiling price for sales to a retailer of potatoes delivered to such retailer's warehouse or delivered to a commercial user at such commercial user's factory or delivered to an institution shall be your f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation from the country

shipping point to the wholesale receiving point plus 16 cents per hundredweight.

(2) Retailer's retail store. If you are a country shipper, your ceiling price for sales to a retailer of potatoes delivered to such retailer's retail store shall be the same as for an intermediate seller under section 3 (f) of this regulation.

(f) Sales through commission merchants. If you are a country shipper and you make sales through a commission merchant in less-than-carlot or less-than-trucklot quantities, your ceiling price shall be the same as that for a primary receiver as established under section 3 (c) of this regulation.

[Paragraph (f) amended by Amdt. 1]

(g) Sales through brokers. If you are a country shipper and make delivered sales under section 2 (d) of this regulation at a wholesale receiving point through a broker or agent other than a commission merchant, your ceiling price for such sales shall be your delivered ceiling price as calculated under section 2 (d) of this regulation plus such broker's charge (not in excess of that permitted under the provisions of Ceiling Price Regulation 34).

[Paragraph (g) amended by Amdt. 3]

(h) Ceiling prices for growers who are not country shippers. If you are a grower who is not a country shipper, as defined in section 10, your ceiling price for the sale of potatoes, whether the sale be of acreage, potatoes in bulk, or otherwise, is the adjusted base price, determined as provided in paragraph (b) of this section, further adjusted as follows:

(1) You must deduct the cost of each of the following services which you do not perform: harvesting, grading, sizing, hauling from the farm to the country shipping point, and loading on the carrier.

(2) If the potatoes are not storage potatoes, as defined in section 10, and you do not wash them, you must deduct the cost of washing.

(3) If you do not pack the potatoes you must deduct the cost of packing in 100-pound new burlap bags.

(4) If you pack the potatoes in a type of container listed in subdivisions b through f of Table III you may add and you must subtract the applicable amount specified in that table.

(5) You must also deduct the country shipper's selling charge.

The cost or charge to be deducted in subparagraphs (1), (2), (3), and (5) of this paragraph is the cost or charge prevailing in the area in which your farm is located.

For example: Assume you are a grower of potatoes and are selling in March unwashed storage potatoes in bulk ex your farm located in Maine. The base price, determined from Table I, is therefore \$3.70. You have not graded and sized the potatoes. For that portion which the buyer grades and sizes as U. S. No. 1 2-inch minimum diameter, the adjusted base price under paragraph (b) of section 2 is the base price plus 10 cents, or \$3.80. Assume that the prevailing cost of grading, sizing and packing in new 100-pound burlap bags is 55 cents per hundredweight, the prevailing cost of hauling and loading on carrier is 10 cents

per hundredweight, and the prevailing country shipper's selling charge is 10 cents per hundredweight. Your total deductions would therefore total 75 cents per hundredweight and your ceiling price would be \$3.05 per hundredweight, that is \$3.80 less \$0.75. For other grades, sizes and packs of the lot, you determine your ceiling prices in the same manner using the appropriate applicable differentials.

[Paragraph (h) added by Amdt. 3]

(i) *Ceiling prices for sales by growers to ultimate consumers.* If you are a grower and sell not more than 400 pounds of potatoes to an ultimate consumer who has placed his order directly with you and you make delivery of such potatoes to such ultimate consumer, your ceiling price for such a sale is the f. o. b. country shipping point ceiling price for such potatoes plus \$1.25 per hundredweight.

[Paragraph (i) added by Amdt. 4]

SEC. 3. Ceiling prices for intermediate sellers and shipping point distributors. This section establishes ceiling prices for sales by all intermediate sellers including "carlot distributors", "primary receivers", "secondary jobbers", and "purveyors" as well as for "shipping point distributors". These terms are defined in section 10 of this regulation. In each case a seller finds his ceiling price by adding a specified markup to the "primary price" determined under paragraph (a) of this section. The same person may be one type of seller with respect to one lot of potatoes and a different type of seller with respect to a different lot of potatoes.

[Above paragraph amended by Amdt. 4]

(a) *Primary price.* Your "primary price" is the f. o. b. country shipping point ceiling price for the potatoes being priced plus the cost of rail transportation to the wholesale receiving point plus 6 cents per cwt.

[Paragraph (a) amended by Amdt. 1]

(b) *Sales by carlot distributors.* If you are a carlot distributor and make carlot or trucklot sales at a wholesale receiving point, your ceiling price is your primary price plus 10 cents per hundredweight. "Carlot" or "trucklot sales" are defined in section 10.

(c) *Sales by primary receivers—(1) Sales ex-car.* If you are a primary receiver and make sales of potatoes ex-car or ex-truck, your ceiling price shall be your primary price plus 25 cents per hundredweight.

(2) *Sales ex-store.* If you are a primary receiver and make sales of potatoes ex-store or ex-warehouse, your ceiling price shall be your primary price plus 45 cents per hundredweight.

(3) *Delivered sales.* If you are a primary receiver and make delivered sales of potatoes to a buyer's physical premises other than a retail store, your ceiling price shall be your primary price plus 45 cents per hundredweight.

[Subparagraph (3) amended by Amdt. 4]

(d) *Sales by secondary jobbers.* If you are a secondary jobber and make sales of potatoes on a delivered basis to the physical premises of the buyer (in the case of a sale to a retailer, delivered

to the retail store where resale is made to ultimate consumers), your ceiling price is your primary price plus 80 cents per hundredweight. If you are a secondary jobber and make sales of potatoes on a nondelivered basis, your ceiling price shall be your primary price plus 60 cents per hundredweight.

(e) *Sales by purveyors.* If you are a purveyor, and make delivered sales to institutional users, your ceiling price shall be your primary price plus 80 cents per hundredweight.

(f) *Sales by intermediate sellers to retailers.* If you are an intermediate seller and you make sales on a delivered basis to a retailer's retail store, your ceiling price shall be your primary price plus 80 cents per hundredweight.

(g) *Long distance delivered sales.* If you are an intermediate seller and make sales of potatoes on a delivered basis to a retailer, delivered to such retailer's retail store or warehouse (including a chain store warehouse), to a commercial user at such commercial user's establishment, or to an institutional user delivered to such institution and the point of delivery of such sales is located beyond a radius of 15 miles from your warehouse you may add to your ceiling price otherwise determined under this revised regulation, an amount for transportation not in excess of 5 cents for each 25 miles beyond this 15-mile radius. In any event, the total amount charged for such transportation may not exceed 30 cents per hundredweight.

Example: Assume the country shipping point ceiling price is \$3.60 per hundredweight and freight to the wholesale receiving point is \$1.00, then:

The delivered ceiling price is \$4.60 plus
6 cents, i. e.----- \$4.66
If you are a carlot or trucklot distributor, your ceiling price is----- 4.76
If you are a primary receiver and sell ex-car, your ceiling price is----- 4.91
If you are a primary receiver and sell ex-store, your ceiling price is----- 5.11
If you are a secondary jobber and sell ex-store, your ceiling price is----- 5.26
If you are a secondary jobber and deliver to the retail store, your ceiling price is----- 5.46

[Paragraph (g) amended by Amdt. 4]

(h) *Sales by shipping point distributors.* If you are a shipping point distributor and make carlot or trucklot sales, your ceiling price is your primary price plus 10 cents per hundredweight.

[Paragraph (h) added by Amdt. 4]

SEC. 4. Grade, size, washing and packaging differentials. If you are a person other than a "purveyor" as defined in section 10 (p) of this regulation and you grade, size, wash, or package potatoes at a point subsequent to the country shipping point, you may adjust your ceiling price in accordance with Tables II and III of paragraph (c) of section 2 of this regulation provided such differentials have not previously been applied by any seller.

[Section 4 amended by Amdt. 2]

SEC. 5. Potato futures—(a) New York Mercantile Exchange futures contracts. The ceiling prices per hundredweight at which U. S. No. 1, Size A 2-inch mini-

mum white flesh potatoes covered by futures contracts may be traded in the New York Mercantile Exchange pursuant to the rules of the New York Mercantile Exchange as of January 1, 1952, or delivered pursuant to such contracts are as follows:

TABLE IV—CEILING PRICES FOR POTATOES TRADED ON THE NEW YORK MERCANTILE EXCHANGE

DELIVERY DATE			
February	March	April	May
\$4.31	\$4.41	\$4.46	\$4.51

(b) *Chicago Mercantile Exchange futures contracts.* The ceiling prices per hundredweight at which U. S. No. 1, Size A 2-inch minimum white flesh potatoes covered by futures contracts may be traded in the Chicago Mercantile Exchange pursuant to the rules of the Chicago Mercantile Exchange as of November 26, 1951, or delivered pursuant to such contracts are as follows:

TABLE V—CEILING PRICES FOR POTATOES TRADED ON THE CHICAGO MERCANTILE EXCHANGE

DELIVERY DATE			
February	March	April	May
\$5.20	\$5.30	\$5.35	\$5.40

[Section 5 amended by Amdt. 3]

SEC. 6. Imports and exports of potatoes. The ceiling price per hundredweight for white flesh potatoes imported from any country to any wholesale receiving point shall be the ceiling price established under this revised regulation for the most closely similar variety of domestic potatoes at the same point where such imported potatoes are being offered for sale. Sales of potatoes for export are governed by the provisions of Ceiling Price Regulation 61.

SEC. 7. Sales slips and receipts. If you have customarily given a purchaser a sales slip, invoice, or similar evidence of purchase, you shall continue to do so. Upon request, you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the type and quantity of potatoes sold, the price received for them, the applicable delivered ceiling price under section 2 (d) of this revised regulation and the ceiling price for the particular sale.

SEC. 8. Treatment of excise taxes. If you have customarily separately stated and collected any excise or similar tax, you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily state and collect separately from the purchase price the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price. In the case of such tax imposed after the effective date of this revised regulation, if at the time you calculate your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition

to your ceiling price, the amount of the tax actually paid by you. In every case where the tax is collected from the purchaser, the amount thereof shall be separately stated.

SEC. 9. Compliance with this revised regulation—(a) No selling or buying above ceiling prices. Regardless of any contract or obligation, no person shall sell or deliver or, in the course of trade, buy or receive any potatoes at a price higher than the appropriate ceiling price established by this revised regulation.

(b) *Evasion.* No person shall evade a ceiling price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium, or other privilege by tie-in requirement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging, or in any other way. The ceiling prices and markups established by this regulation may not be exceeded by buyers or sellers by splitting or sharing of markups, pyramiding of services, joint account transactions or otherwise.

[Paragraph (b) amended by Amdt. 3]

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

SEC. 10. Definitions. (a) "Broker or agent" means a person who, for a commission or fee, or other charge, represents a principal in the sale or purchase of potatoes. This term includes an auction company. A broker or agent does not customarily warehouse, store, or otherwise distribute potatoes.

(b) "Carlot distributor" means a person, other than a country shipper or a shipping point distributor, who has purchased the potatoes being priced in unbroken carlots or trucklots and sells these potatoes in unbroken carlots or unbroken trucklots.

[Paragraph (b) amended by Amdt. 4]

(c) "Carlot or trucklot sales" mean a quantity of potatoes transported in one car, truck, or other conveyance at one time out of which 75% or more by weight is sold to one person. A pool car or truck, that is, a car or truck containing potatoes owned by more than one seller or sold to more than one purchaser shall be considered a carlot or trucklot.

(d) "Certified seed potatoes" or "foundation stock seed potatoes" means seed potatoes grown, inspected, certified and tagged or labelled as being such class, pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown. Such certifying agency includes the Kern County Seed Potato Association, Inc., a California corporation. Seed potatoes of any kind sold or resold for purposes other than planting shall be priced as ordinary white flesh potatoes under this regulation.

(e) "Commercial or institutional users" include potato processing plants, restaurants, ships, hotels, hospitals,

governmental users (including the armed forces), and camps.

(f) "Commission merchant" means a person who is the agent in a wholesale receiving point of a country shipper or other seller and receives potatoes in any quantity and distributes them on behalf of his principal in less-than-carlot or less-than-trucklot quantities. To qualify as a commission merchant, a person must also customarily warehouse, store, or otherwise distribute potatoes.

(g) "Cost of rail transportation" means the amount calculated by application of the lowest applicable carlot rate for transportation per cwt. of potatoes by rail. If you ship potatoes in any quantity by rail, truck, or ship owned, leased, chartered, or otherwise engaged by you, you shall, in computing your "cost of rail transportation", use the lowest applicable carlot rate for transportation by rail. However, if you cannot thus compute your cost of rail transportation because rail transportation facilities are not available between the country shipping point and the wholesale receiving point, you may use the actual cost of the available transportation facility employed by you not to exceed the prevailing rate for such transportation. "Cost of rail transportation" also includes the cost of protective services, such as fumigation, preheating, and precooling, actually rendered and charged by the carrier, or, if not rendered and charged by the carrier, the cost of such services not to exceed the applicable ceiling prices for such services established under CPR 34. "Cost of rail transportation" also includes costs of transportation as computed under this paragraph between the "carlot or trucklot receiving market" and the "less-than-carlot or less-than-trucklot receiving market" for potatoes transported between these points. Transportation between a "carlot or trucklot receiving market" and a "less-than-carlot or less-than-trucklot receiving market" does not include transportation between points within city limits or any other geographical area which is generally recognized as a single wholesale distribution area. "Carlot or trucklot receiving market" is defined in paragraph (w) of this section and "less-than-carlot or less-than-trucklot receiving market" is defined in paragraph (x) of this section.

For example: Potatoes are shipped from country shipping points to Boston in carlots or trucklots. They are transhipped in less-than-carlots or less-than-trucklots to Salem for resale in the Salem area. Both Boston and Salem are "wholesale receiving points". Boston is the "carlot or trucklot receiving market", because it is the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller. Salem is the "less-than-carlot or less-than-trucklot receiving market" because it is the first place beyond Boston to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots. Hence, the cost of transshipment from Boston to Salem computed under this paragraph may be included in the "cost of rail transportation". On the other hand, if the potatoes being priced are hauled from one local warehouse to another local ware-

house within Boston or Salem the local hauling charges may not be included in the "cost of rail transportation".

[Paragraph (g) amended by Amdts. 3 and 4]

(h) "Country shipper" means a person, including a grower or grower's agent who makes sales from a farm or other country shipping point to any other person.

(i) "Country shipping point" means a farm or other place in or near the producing area from which potatoes are sold, shipped, delivered, or otherwise transferred to any other person and at which place potatoes are prepared for sale, shipment, delivery, or other transfer to any person. This preparation shall at least include grading, sizing, packing and loading.

(j) "F. o. b. country shipping point ceiling price" means a ceiling price established under section 2 of this revised regulation for potatoes prepared for shipment and loaded on a carrier. This preparation includes at least grading, sizing, packing, and loading.

(k) "Grade" means official grades listed in "United States Standards for Potatoes" published by the United States Department of Agriculture (except in the case of Idaho standard potatoes).

(l) "Grower" means a person who produces potatoes.

(m) "Intermediate seller" means any person other than a retailer or country shipper who purchases white flesh potatoes for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer.

(n) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(o) "Primary receiver" means a person who for his own account and profit buys the potatoes being priced in unbroken carlots or unbroken trucklots from any person for resale in less-than-carlots or less-than-trucklots to persons other than ultimate consumers.

(p) "Purveyor" means (1) a person who purchases the potatoes being priced; (2) maintains facilities for and actually does wash, trim, sort, repack, and warehouse; (3) employs salesmen to call on institutional and commercial users; (4) makes less-than-carlots or less-than-trucklot, or less-than-original container sales to institutional users; (5) delivers within the metropolitan area surrounding and including the city, town, village, or other populated area in which his warehouse and selling facilities are located. No seller shall be considered a purveyor when selling unbroken containers.

(q) "Secondary jobber" means a person other than retailer who for his own account and profit purchases the potatoes being priced in less-than-carlots or less-than-trucklots from a primary receiver or any person selling through a commission merchant for resale in any quantity.

(r) "Ultimate consumer" means a person who purchases white flesh potatoes for table use. The term does not

include institutional, industrial, or commercial users or any federal, state or local governmental purchaser.

(s) "Wholesale receiving point" means a "carlot or trucklot receiving market" or a "less-than-carlot or less-than-trucklot receiving market". Where shipments of the potatoes being priced are made directly from a country shipping point, wholesale receiving point includes a retailer's warehouse (including a chain store warehouse), or institutional or commercial user's warehouse.

[Paragraph (s) amended by Amdt. 4]

(t) "You" means any person whose sales of potatoes are covered by this regulation.

(u) "Washed potatoes" means potatoes which have been cleaned by water by special washing equipment either of the spray and brush type or the vat and tumble type and meet the requirements of "generally fairly clean." "Fairly clean" has the meaning ascribed thereto in the U. S. Standards for Potatoes (7 CFR 51.366), and "generally", when used in conjunction with "fairly clean" in this paragraph, means that at least 90 percent of the washed potatoes in each shipment meet the requirements of "fairly clean."

[Paragraph (u) added by Amdt. 2]

(v) "Storage potatoes" means potatoes harvested before December 31, 1951.

[Paragraph (v) added by Amdt. 2]

(w) "Carlot or trucklot receiving market" means the first place beyond the country shipping point to which the potatoes being priced have been transported and received by an intermediate seller and at which the potatoes are for sale without further transportation in the conveyance in which they were transported from the country shipping point.

[Paragraph (w) added by Amdt. 4]

(x) "Less-than-carlot or less-than-trucklot receiving market" means the first place beyond a carlot or trucklot receiving market to which the potatoes being priced have been transported in less-than-carlots or less-than-trucklots by a conveyance other than the one in which they were transported to the carlot or trucklot receiving market from the country shipping point.

[Paragraph (x) added by Amdt. 4]

(y) "Shipping point distributor" means a person who, with respect to a lot of potatoes, performs all the functions of a country shipper and, in addition, made at least 50 percent of the dollar value of his potato sales during the current season up to March 17, 1952, to purchasers located at wholesale receiving points who did not buy through brokers or agents located at the country shipping point. If 25 percent or more of the dollar value of a seller's sales of potatoes for the current season up to March 17, 1952 is made to a single purchaser, such seller is not a shipping point distributor. Furthermore, a person who makes sales of potatoes to country shippers or shipping point distributors

is not himself a shipping point distributor.

[Paragraph (y) added by Amdt. 4]

ELLIS ARNALL,
Director of Price Stabilization.

By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-3654; Filed, Mar. 27, 1952;
12:20 p. m.]

[Amdt. 1 to Area Milk Price Regulation 2
Under GCPR, SR 63]

GCPR, SR 63—AREA MILK PRICE
ADJUSTMENTS

AMPR 2—CALUMET MILK MARKETING
AREA, INDIANA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Area Milk Price Regulation 2, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued:

STATEMENT OF CONSIDERATIONS

This amendment, in addition to correcting and clarifying certain provisions of Area Milk Price Regulation No. 2, expands the coverage of that regulation to include additional handlers of milk products for fluid consumption.

It was originally thought that all Area Milk Price Regulations would be numbered consecutively by Region. Thus, certain provisions of the Calumet Area Milk Marketing Regulation refer to Area Milk Price Regulation No. 1. However, because these area regulations are being numbered consecutively on a national basis, all such references to Area Milk Price Regulation No. 1 are changed to Area Milk Price Regulation No. 2.

Through inadvertence, a wholesale store-delivered price was listed in Table A of Area Milk Price Regulation No. 2, as originally issued, for $\frac{1}{2}$ quarts of milk. It was subsequently determined that the petitioning dairies did not sell $\frac{1}{2}$ quarts of milk to their wholesale store customers during the base period, and that they do not now sell milk in containers of that size to such customers. Thus, references to $\frac{1}{2}$ quarts of milk sold at wholesale to stores as listed in Table A of section 4 are deleted.

As originally issued, Area Milk Price Regulation No. 2 excluded sales of milk products for fluid consumption by processors to route delivery vendors, sales by operators of retail stores and sales of raw milk by receiving plant operators to processors. Certain factors dictated the necessity for the inclusion of these sales and sellers in this regulation.

Accordingly, section 3 of Area Milk Price Regulation No. 2 is amended to include these sales and sellers. In addition, in order to avoid the possibility of confusion, section 3 of this amended regulation explicitly provides that while the regulation covers sales of milk products

to be delivered to a purchaser located in the area, although the seller is located outside the area, it does not cover sales of milk products to be delivered by a seller from a location within the area to a purchaser located outside the area.

Consideration of the effect of the parity "pass-through" provisions of Supplementary Regulation 63 indicates the need for covering sales by processors to route delivery vendors, sales by operators of retail stores and sales of raw milk by receiving plant operators to processors. Allowing these sales to remain under the provisions of the General Ceiling Price Regulation would mean that as the price of raw milk declines processors would not be required to adjust their prices to reflect this decrease in their sales to route delivery vendors; nor would retail store operators be required to lower their price to consumers in such a situation. Sections 4 (c) and 4 (d) of Area Milk Price Regulation No. 2, as amended, eliminate the possibility of this occurrence by the establishment of ceiling prices for such sales and by imposing the requirement that such ceiling prices be adjusted to reflect decreases in the price of milk.

These and additional considerations also indicate the need for the inclusion of sales of raw milk by operators of receiving plants to processors. It is conceivable that the processors in the Area could be faced with a price squeeze if receiving stations which supply them with raw milk are not covered by the same parity provisions applicable to them. In view of the parity provisions of Supplementary Regulation 63 requiring processors to adjust their prices to reflect any decline in the price of raw milk, it would be inequitable to permit operators of receiving plants to remain under the provisions of the General Ceiling Price Regulation which contains no automatic reduction provision. Accordingly, section 4 (e) of Area Milk Price Regulation No. 2, as amended, corrects this situation by establishing ceiling prices for sales of raw milk by receiving plant operators to processors and by requiring appropriate reductions as the price of raw milk declines.

Section 6 (a) of Area Milk Price Regulation No. 2, as originally issued, provided a method by which processors and distributors of milk products could determine their ceiling prices for milk products as to which ceiling prices could not be determined under section 4 or 5 of the regulation. This amendment applies the same method to operators of retail stores but excepts them from the requirement of submitting a detailed report.

Section 8 of this Area Milk Price Regulation is amended to require rounding of fractions on the basis of all items sold during a billing period rather than rounding of fractions on each sale.

Sections 12 and 13 are added by this amendment to Area Milk Price Regulation No. 2. These sections advise operators of retail stores and distributors how to adjust their prices to reflect increases or decreases in cost occasioned by the parity adjustment of their processors.

Every effort has been made to conform this amendment to existing business practices, cost practices and methods, and means and aids to distribution. Insofar as any provision of this amendment may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization, 188 West Randolph Street, Chicago, Illinois, to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this Amendment 1 to Area Milk Price Regulation No. 2 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950 as amended by the Defense Production Act amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950 as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950 inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 2 issued under Supplementary Regulation No. 63 to the General Ceiling Price Regulation is amended in the following respects:

1. References in sections 10 and 11 and in the Statement of Considerations to "Area Milk Price Regulation No. 1" are changed to read "Area Milk Price Regulation No. 2."

2. Section 3 of Area Milk Price Regulation No. 2 is amended to read as follows:

Sec. 3. Sales and sellers covered by this regulation. This Area Milk Price Regulation covers all sales of milk products for fluid consumption by all sellers (including sales to route delivery vendors and sales by retail stores and by operators of receiving plants) except that it does not cover sales by operators of retail stores of packaged cottage, pot and baker's cheese. Ceiling prices for sales of packaged cottage, pot and baker's cheese by operators of retail stores shall continue to be subject to Ceiling Price Regulation 15 and 16. This Area Milk Price Regulation also covers sales of milk products for fluid consumption to be delivered to a purchaser located in the Calumet Milk Marketing Area although the seller is located outside the area. The regulation does not, however, cover sales of milk products for fluid consumption to be delivered by the seller from a location within the Calumet Milk Marketing Area to a purchaser located outside the area. Sales of milk products delivered to a purchaser located outside of the Calumet Milk Marketing Area are controlled either by the General Ceiling

Price Regulation, without reference to Supplementary Regulation 63 and to this Area Milk Price Regulation, or by the Area Milk Price Regulation applicable to the particular place where delivery is made. "Route delivery vendor" means any person, other than a processor of milk, who is primarily engaged in the business of buying packaged or bottled milk products for fluid consumption and reselling from delivery routes which he operates.

3. Reference in Table A of section 4 (a) to " $\frac{1}{2}$ of quart" and to the figures ".105" and ".06" are deleted.

4. The word "listed" is deleted in the title of section 4.

5. Sections 4 (a), 4 (b) and 5 (a) are amended by the insertion of the following sentence after the title and immediately preceding the first sentence of each of these sections: "This paragraph applies to you only if you are a processor or distributor of milk products for fluid consumption as those terms are defined in section 3 of Supplementary Regulation 63 and does not apply to sales by receiving plant operators (who are covered by section 4 (e) of this regulation) and sales by operators of retail stores (who are covered by section 4 (d) of this regulation)."

6. To section 4, paragraph (c) is added to read as follows:

(c) **Ceiling Prices for sales of milk products for fluid consumption by processors to route delivery vendors.** If you are a processor (defined in section 3 of Supplementary Regulation 63) of milk products for fluid consumption, your ceiling price for sales of these products to route delivery vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) of Supplementary Regulation 63 and shall vary as the producer paying price set out in section 7 of this regulation increases or decreases.

7. To section 4, paragraph (d) is added to read as follows:

(d) **Ceiling prices for sales of milk products for fluid consumption by operators of retail stores.** If you are the operator of a retail store your ceiling price for the sale of milk products for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) (2) of Supplementary Regulation 63 and section 12 of this regulation.

8. To section 4, a new paragraph (e) is added to read as follows:

(e) **Ceiling prices for sales of raw milk by operators of receiving plants.** If you are an operator of a receiving plant (as that term is defined in section 3 of Supplementary Regulation 63), your ceiling price for sales of raw milk to

processors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect immediately prior to November 1, 1951 (the effective date of AMPR 2). Your ceiling prices established under this paragraph shall be adjusted in accordance with the provisions of section 8 (a) of Supplementary Regulation 63 and shall vary as the producer paying price set out in section 7 of this regulation increases or decreases.

9. The second sentence of section 6 (a) is amended to read as follows: "If you are a processor or distributor, however, you may not continue to sell any such milk product unless within fifteen (15) days from the date of your first sale after the effective date of this regulation you file with the District Director of the Office of Price Stabilization, 188 West Randolph Street, Chicago, Illinois, a statement setting forth the following information:

10. Section 8 is amended to read as follows:

Sec. 8. Rounding the fractions. Except as to sales of raw milk by receiving plants to processors, fractions remaining after the computation of the ceiling price for the total number of units of any milk product being sold has been determined (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you bill any purchaser for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption sold to that purchaser during the preceding month or other billing period has been determined shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

11. A new section 12 is added to read as follows:

Sec. 12. Parity adjustments for retail stores. This paragraph applies to you only if (a) you are an operator of a retail store who sells an item of a milk product for fluid consumption; (b) the cost to you of a current customary purchase of an item differs from the highest ceiling price applicable to sales of that item to you from a customary source of supply on October 31, 1951; and (c) the change in the cost to you is due either to an increase granted by section 4 (a) or 4 (b) or to the operation of the provisions of section 7 of this area milk price regulation relating to parity adjustments for processors. In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices in effect on October 31, 1951 by the dollars-and-cents difference per item in these costs.

12. A new section 13 is added to read as follows:

Sec. 13. Parity adjustments for distributors. This paragraph applies to

you only if (a) you are a distributor of an item of a milk product for fluid consumption; (b) the cost to you of a current customary purchase of the item differs from the highest ceiling price applicable to sales to you from a customary source of supply under section 4 (a) or 4 (b) of this regulation; and (c) the change in cost to you is due to the operation of section 7 of this area milk price regulation relating to parity adjustments for processors. In such case, on the first day following the effective change in your cost you may increase and you must decrease your ceiling prices as established by section 4 (a) and 4 (b) of this regulation by the dollars-and-cents difference per item on these costs.

Effective date. This Amendment No. 1 to Area Milk Price Regulation 2, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, shall become effective March 27, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

B. EMMET HARTNETT,
District Director,
Office of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3655; Filed, Mar. 27, 1952; 12:20 p. m.]

[Distribution Regulation 1, Revision 1,
Amdt. 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

STATEMENTS, REPORTS, NOTICES, FORMS, APPLICATIONS OR OTHER DOCUMENTS FILED UNDER DISTRIBUTION REGULATION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 1 to Distribution Regulation 1, Revision 1, is hereby issued.

Preamble. On March 17, 1952, the effective date of Distribution Regulation 1, Revision 1, there were on file with the OPS many statements, reports, notices, forms, applications and other documents filed under the provisions of Distribution Regulation 1, issued February 9, 1951. This amendment is being issued to make it clear that all such documents are to be treated as if filed under the corresponding sections of Distribution Regulation 1, Revision 1 and are to be handled accordingly.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. What this revised regulation does. (a) This revised regulation supersedes Distribution Regulation 1, issued February 9, 1951 ("old Distribution Regulation 1") and all amendments and supplements thereto. However, any statements, reports, notices, forms, applications or other documents filed un-

der the provisions of the old Distribution Regulation 1 or under any amendment or supplement thereto shall be treated as if filed under the corresponding section of this revised regulation and dealt with accordingly.

(b) If you wish to slaughter any species of livestock (cattle, calves, sheep and lambs, or swine) or if you wish to have any species of livestock slaughtered for you, you are required to determine under this revised regulation whether the slaughter of such livestock by you or for you is permitted at all, and if so the conditions under which such slaughter is permitted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective on March 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3657; Filed, Mar. 27, 1952; 12:21 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 19]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 19—NORTH TEXAS MILK MARKETING
AREA, STATE OF TEXAS

Pursuant to the Defense Production Act of 1950, as amended, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation pursuant to Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. In accordance with the provisions of Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation, this area milk price regulation is being issued adjusting ceiling prices for the North Texas milk marketing area on sales of fluid milk products within that area by processors, processor-distributors, distributors, and operators of retail stores.

During the period from the start of the Korean conflict until the effective date of the General Ceiling Price Regulation, processors and distributors of milk products were free to raise their prices as much as competition would permit. Since the effective date of that regula-

tion, milk processors have been allowed to pass through automatically to consumers all increased costs of agricultural raw materials, but have not been able to take into account other cost increases.

Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation provides for the writing of area milk price regulations which will establish the pre-Korean margins between raw material costs and selling prices, plus the increases in the following categories of expense which have occurred since that time: (1) direct labor (including distribution labor and commissions); and (2) cost of cans, cases, and containers. Prices calculated under Supplementary Regulation 63 will be higher or lower than adjusted General Ceiling Price Regulation prices, dependent upon whether over-all price increases since the pre-Korean base period have more or less than compensated for the increases in costs of raw materials and allowable expenses.

Seven major processors and processor-distributors petitioned for ceiling price adjustments under Supplementary Regulation 63 to the General Ceiling Price Regulation. In order to process data from a reliable sample, the Regional Director determined that additional processors should be included. Consequently, the Regional Office secured data from seven additional processors.

The data submitted by all fourteen petitioners were carefully analyzed for completeness and were checked mathematically for internal consistency. In most instances, errors were corrected through personal interview and audit of company records. The sample of fourteen petitioners was subsequently reduced to ten because of incompleteness of data submitted by two petitioners, and the internal inconsistency of data submitted by two others.

A chronological summary of events in processing the petition is as follows:

1. November 8, 1951, petition received from seven processor-distributors.
2. December 20, 1951, final data for month of September, 1951, received.
3. December 29, 1951, final processing completed.
4. January 2, 1952, petitioners requested delay in issuance of the regulation.
5. January 25, 1952, petitioners submitted raw material data for new current period of October, 1951.
6. February 15, 1952, several major processors announced reductions in producer prices without corresponding reductions in selling prices of milk products.

The petitioners requested an area milk price regulation covering the same geographic area as the marketing area already existing under the jurisdiction of the Market Administrator of the North Texas Marketing Area. In determining the appropriate area to be covered by this area milk price regulation, the Regional Director gave due consideration to all relevant factors. These factors include: (1) places where milk is processed and utilized; (2) places where milk in the area originates; (3) customary selling practices and prices in the area as compared with those of adjacent

areas; and (4) the practical facility of administration. Based on these considerations, it was determined that the petitioners' request was sound and feasible. Consequently, the area covered by this area milk price regulation coincides with the marketing area established by the Production and Marketing Administration under Federal Order No. 43 (16 F. R. 8420). The Regional Director has determined that the area covered by this regulation is a homogeneous one, and that the issuance of a regulation for this area will not unduly disturb competitive prices and trade practices in other areas.

This area milk price regulation has been issued on the basis of data found to be representative of the operations in the marketing area which it covers. The statistical data were obtained from a representative sample of ten processors and processor-distributors, located in five cities in the marketing area. The petitioners, representative of large, medium, and small sellers, constitute approximately one-third of the processors and distributors, and account for approximately three-fourths of the sales volume in the area. As a general rule, the smaller processors do not keep sufficiently accurate and extensive records for the statistical analyses and calculations which this type of regulations requires. However, accurate data were obtained from several medium and small processors and included in the analysis. Although these data showed certain expected variations, they were generally consistent with the cost increase patterns found in the data submitted by the larger processors. In the judgment of the Regional Director, the data yield accurate and adequate information from a representative portion of the processors and distributors in the area.

This regulation provides uniform adjustments in ceiling prices determined under section 3 of the General Ceiling Price Regulation. The uniform adjustments are based upon increased costs which processors and distributors have incurred between a specified pre-Korean base period of operations and a selected current period. The pre-Korean base period specified by Supplementary Regulation 63, as amended, covers operations from January 1, 1950, through June 30, 1950. The original current period selected by the petitioners covered operations from September 1, 1951, through September 30, 1951. However, the following difficulties arose which pointed to the need for selecting another current period: (1) September was a pilot period for the operations of this market under a Federal Milk Marketing Order; (2) during September a major change occurred in the producer price of milk; and (3) several large processors failed to submit an adequate breakdown on raw material costs for their September operations. Because of the peculiarities of this market, the petitioners felt that the use of October, 1951, would be more favorable to them, and submitted new raw material data for that month.

A study of conditions as they exist in the North Texas Marketing Area reveals certain factors peculiar to this market,

Local production of fluid Grade A milk has failed to keep pace for the last several years with demand, largely because of the growth in population of the cities of Dallas and Fort Worth, and partly because some processors have expanded their trade territory beyond the limits of this market area. For this reason, it is necessary for most processors to import some fluid milk, mainly from Wisconsin and Missouri, in more or less regularly scheduled shipments from August through December or January. Skim milk solids in the form of condensed skim milk or skim milk powder are purchased, mostly from out-of-state sources, for the manufacture of buttermilk during all but the months of local flush production. Because of these shortages much emphasis has been given to the stimulation of local production, and since the general price freeze on January 26, 1951, the producer price for raw milk has advanced a total of \$1.06 per cwt. in two increases.

During the pre-Korean base period, the processors purchased milk on a base-surplus plan and were not under the control of a federal marketing order. In the months of March, April, May, and June of this period they reported that they purchased surplus milk from their producers at current manufacturing prices, part of which was used for fluid bottled cream and buttermilk manufacture.

For the current period of October, 1951, the situation was entirely different. The area went under the control of a Federal Marketing Order effective September 1st. Because of a shortage of locally-produced milk during the month, the producer price was \$6.91 per cwt., which was \$0.835 per cwt. higher than the price established by the Market Administrator. The prices reported for imported milk, f. o. b. the processors' docks, ranged from \$7.76 to \$8.43 per cwt. Practically all buttermilk was manufactured from reconstituted skim milk solids.

The two periods used are highly favorable to the petitioners, because of the fact that the base period was one of seasonal high production and the current period was one of scarcity. As might be expected, the spring season normally brings flush production and relatively low producer prices of milk, while the fall and winter months are characterized by lower production, higher producer prices, and importation of out-of-state milk at high cost.

The ceiling price adjustments granted by this regulation have been determined by: (1) Computing the changes of (i) raw material costs for each product, and (ii) allowable expenses per sales point; (2) computing the increases in selling prices of each product between the specified base period and the selected current period; and (3) computing the amount by which the increased costs differ from increased selling prices. These computations have been appropriately weighted in order to reflect the relative sales volume and changes in the butterfat content of the various milk products. Sound cost accounting procedure calls for raw material costs to be allocated to the skim

milk and butterfat components of each fluid milk product. Hence, this procedure was followed.

Thorough study and detailed analysis of increased costs and increased prices have shown that processors and processor-distributors in this marketing area have taken abnormally high price increases in relation to cost on certain milk products, while price increases in other products have been relatively modest. Consequently, the effect of the ceiling price adjustments established by this regulation, based on a producer price of \$6.91 per cwt., is to permit minor price increases on certain milk products and to require decreases on others.

Because of slight differences in prices which are customarily charged within the marketing area, it was found desirable to use uniform adjustments rather than a flat dollar-and-cents ceiling price technique. The regulation sets forth the specific adjustments allowed on certain basic milk product items. Each seller covered applies this uniform adjustment to his GCPR base period ceiling prices. Methods are also provided for determining ceiling prices for items not listed.

This regulation sets forth a specific producer price for raw milk upon which the ceiling price adjustments granted are based. The specified producer price is \$6.91 per cwt. for Class I milk of 4 per cent butterfat test. Future parity adjustments made within the geographic jurisdiction of this regulation will be made on the basis of this specified producer price.

The milk products covered by this regulation are "milk products for fluid consumption". The definition of this term as well as other key terms will be found in a special section of this regulation. Sales of all milk products not covered by this regulation remain subject to the General Ceiling Price Regulation.

The Regional Director of the Office of Price Stabilization has given due consideration to the National effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the periods from January 1, 1950, to June 30, 1950, inclusive, and to all other relevant factors of general applicability.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the customary business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary in order to prevent circumvention or evasion.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director has consulted with industry representatives and has given due consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sales and sellers covered by this area milk price regulation.
4. How you determine your ceiling prices.
5. Ceiling prices for milk products for fluid consumption.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Modifications of proposed ceiling prices by the Regional Director of Price Stabilization.
9. Customary price differentials.
10. Parity adjustments in ceiling prices.
11. Rounding.
12. Transfers of business or stock in trade.
13. Records.
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15. Sales slips and receipts.
16. Prohibitions.
17. Charges lower than ceiling prices.
18. Evasion.
19. Violations.
20. Petitions for amendment.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this area milk price regulation does. This area milk price regulation is issued under the authority of Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation and Delegation of Authority No. 41 (16 F. R. 12679). It establishes ceiling prices for sales and deliveries of "milk products for fluid consumption" in the North Texas Milk Marketing Area as that area is defined in section 2 of this regulation. The General Ceiling Price Regulation will hereinafter be referred to as GCPR. The term "milk products for fluid consumption" is defined in section 21 of this regulation. This area milk price regulation provides for uniform adjustments to be applied by each seller to his ceiling prices established during the GCPR base period, December 19, 1950, through January 25, 1951. The ceiling prices established by this regulation supersede those ceiling prices established by the General Ceiling Price Regulation.

Sec. 2. Where this area milk price regulation applies. This area milk price regulation applies to the North Texas Milk Marketing Area. The North Texas Milk Marketing Area is identical with the North Texas Marketing Area established by Federal Order No. 43 (16 F. R. 8420) of the Production and Marketing Administration of the United States Department of Agriculture. The North Texas Milk Marketing Area is composed of the following Texas counties:

Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Parker.
Fannin.	Rockwell.
Grayson.	Tarrant.

Sec. 3. Sales and sellers covered by this area milk price regulation. This

area milk price regulation covers all sales of milk products for fluid consumption where such sales are made in the North Texas Milk Marketing Area. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

Sec. 4. How you determine your ceiling prices. Sections 5, 6, and 7 of this regulation establish methods for determining ceiling prices. You determine your ceiling prices for all milk products for fluid consumption under the first of these sections applicable to you. Your ceiling prices established under this regulation may be increased and must be decreased in accordance with section 10 if, and when, changes occur in the cost to you of customary purchases of raw milk used in your milk products.

Sec. 5. Ceiling prices for milk products for fluid consumption. Ceiling prices for processors, processor-distributors, and distributors are determined under paragraphs (a) through (e) of this section. Ceiling prices for operators of retail stores are determined under paragraph (f) of this section.

(a) If you are a processor, a processor-distributor, or a distributor, your ceiling prices for milk products for fluid consumption shall be determined in the following manner:

You may add to your GCPR base period ceiling price to each class of purchaser and for each type of container the uniform adjustment opposite each product listed in the table below.

Product	Container size				
	1/2 pint	1 pint	1 quart	1/2 gallon	Gallon and per gallon in bulk
Regular milk.....	0.75	1.5	3	6	12
Homogenized milk.....	.75	1.5	3	6	12
Half-and-half.....	.75	1.5	3	6	12
Light cream, 18-31 percent butterfat.....	1.5	3	6	12	24
Heavy cream, above 31 percent butterfat.....	2.5	5	10	20	40
Chocolate milk.....	.75	1.5	3	6	12
Chocolate drink made from skim milk.....	.75	1.5	3	6	12
Buttermilk.....	0	0	0	0	0

(b) Reserved.

(c) For products not listed in paragraph (a) of this section, you determine your ceiling prices in the following manner: (1) You determine the item listed in paragraph (a) which is most similar to the item you wish to price. A listed item is most similar to the unlisted item (i) which has the same sales point or fraction of sales point ("sales point" is defined in section 21); (ii) which has physical characteristics most like the unlisted item; and (iii) which is nearest equal in butterfat content. (2) To the ceiling price of the item as determined under paragraph (a) you apply the typical differential between the price of the listed item and the price of the unlisted item. "Typical differential" as used in

this paragraph means the dollars-and-cents difference between your GCPR base period ceiling price of the most similar listed item and your GCPR base period ceiling price of the unlisted item. (3) You determine ceiling prices for your other items in the same manner as indicated in steps one and two immediately above. Ceiling prices for all items you sell must be determined for each class of purchaser to whom each item is sold. Ceiling prices for products in container sizes other than those conforming to the sales point classification should be computed in direct proportion to the applicable sales point.

Example No. 1: You wish to determine your ceiling price for a pint of sour cream. Your comparison item for sour cream is a pint of light cream. Your GCPR base period ceiling price for a pint of light cream is 32 cents and your GCPR base period ceiling price for a pint of sour cream is 28 cents. Hence, your typical differential is 4 cents. Your adjusted ceiling price determined under paragraph (a) of this section for a pint of light cream is 35 cents. Your ceiling price for one pint of sour cream is 35 cents minus the typical differential of 4 cents. Hence, your adjusted ceiling price for a pint of sour cream is 31 cents.

(d) The specific producer price upon which the ceiling prices of this regulation are based is \$6.91 per cwt. for raw milk of 4 percent butterfat test. The producer price for raw milk is the delivered price per cwt. including all premiums and discounts.

(e) For any products you sell, the percentage of butterfat content prevailing during October of 1951 shall not be decreased without a corresponding decrease in your ceiling price.

(f) If you are an operator of a retail store who sells an item of a milk product, your adjusted ceiling price for each item of a milk product must maintain the dollar-and-cents difference between your ceiling price and the net cost of acquisition of each item which existed immediately prior to the effective date of this regulation.

(g) If you are a processor or a processor-distributor, you must report, in accordance with section 14, your ceiling prices determined under this section. Distributors and operators of retail stores are not required to report under section 14.

Sec. 6. Use of competitor's ceiling prices to establish your ceiling prices—

(a) **How you determine your ceiling price.** If you cannot determine a ceiling price under section 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 21 of this regulation) to the same class of purchaser.

(b) **When you may sell at your competitor's ceiling price.** You shall not sell any such milk product until you have sent the report required by paragraph (c) by registered mail, return receipt requested, to the Regional Director of the Office of Price Stabilization, Dallas, Texas. After you receive your return

postal receipt showing that OPS has received your report, you may sell the product at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged at any time during the past 12 months, in any capacity, in the same or similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should also include the following:

(1) If you are a processor: A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor; and your proposed ceiling price to each class of purchaser.

(2) If you are a distributor: A description of the product you are pricing; your net invoice cost of the product being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122 which may be obtained from the Regional Office of the Office of Price Stabilization, Dallas, Texas.

(3) If you operate a retail store: A description of the product you are pricing; your net invoice cost of the product being priced; and your proposed ceiling price.

Sec. 7. Sellers who cannot price under other sections of this regulation—

(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 5 or 6, you must apply to the Regional Director of the Office of Price Stabilization, Dallas, Texas, for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or 6 (c) (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

Sec. 8. Modification of proposed ceiling prices by the Regional Director of Price Stabilization. The Regional Director of Price Stabilization may at any time disapprove or revise downward the ceiling prices reported or proposed under this regulation, so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

Sec. 9. Customary price differentials. Ceiling prices established pursuant to section 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from, among others, discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

Sec. 10. Parity adjustments in ceiling prices—(a) *Processors and operators of receiving plants.* If you are a processor, or a processor-distributor of a milk product for fluid consumption, or an operator of a receiving plant, and if the producer price for a current customary purchase of milk differs from the producer price specified in section 5 (d) of this regulation, you may increase and you must decrease your ceiling prices established under this regulation in accordance with the requirements of the following paragraphs.

All parity adjustments in ceiling prices established under this regulation must be computed from the producer price specified in section 5 (d) of this regulation. When any increase in your most recent customary purchase is incurred, you may make the following recalculations to determine whether or not you are entitled to increase your ceiling prices for your milk product items. When a decrease in your most recent customary purchase is incurred, you must make the following recalculations to determine whether or not you are required to decrease your ceiling prices for your milk product items.

(1) Determine for each item of a milk product you sell the equivalent per unit of the dollars-and-cents amount by which the producer price incurred for your most recent customary purchase differs from the producer price specified in section 5 (d) of this regulation;

(2) Apply the rounding provisions of section 11 to the result obtained in (1) immediately above;

(3) If your new producer price is more than the producer price specified in section 5 (d) of this regulation, add the result obtained in (2) immediately above to each item's ceiling price as determined under section 5 of this regulation. If your new producer price is less than the producer price specified in section 5 (d) of this regulation, subtract the result obtained in (2) immediately above from each item's ceiling price as determined under section 5 of this regulation. The result obtained for each item is your new ceiling price for that item.

Example No. 1: You are a processor of fluid milk in quart containers. The producer price is later reduced from \$6.91 per cwt., to \$6.45 per cwt. On the basis of 46½ quarts of bottled milk per cwt., you must decrease your ceiling price, as determined under this regulation by .989 cents per quart. However, by applying the rounding provisions of section 11, you must decrease your ceiling price by 1 cent per quart.

Example No. 2: Suppose this regulation provides a ceiling price of 26 cents per quart for milk when the specified producer price is \$6.91 per cwt. The producer price is reduced 23 cents per cwt. This reduction amounts to a decrease of 0.495 cents per quart. According to Table A, section 11, this amount is rounded to ½ cent. This decrease of ½ cent is subtracted from the established ceiling price of 26 cents per quart. Hence, the processor's new ceiling price will be 25½ cents per quart. If the producer price is further reduced to \$6.38 the amount of this decrease is determined by subtracting \$6.38 from \$6.91. The new calculations are made on the basis of this total decrease of 63 cents per cwt. This decrease of 63 cents amounts to 1.355 cents per quart, which, according to Table A, section 11, is rounded to 1½ cents. This amount of 1½ cents is subtracted from the originally established ceiling price of 26 cents per quart. This results in a new ceiling price of 24½ cents per quart.

Example No. 3: Suppose the specified producer price of \$6.91 per cwt. results in a ceiling price of 26 cents per quart of milk. Subsequently, the producer price is increased 36 cents per cwt., making a total price of \$7.27 per cwt. This increase amounts to 0.774 cents per quart of milk. According to Table A, section 11, this amount is rounded to 1 cent, which is added to the established ceiling price of 26 cents per quart. This results in a new ceiling price of 27 cents per quart. Subsequently, the producer price is reduced 50 cents per cwt. making a new producer price of \$6.77 per cwt. In determining the new ceiling price per quart of milk, \$6.77 is subtracted from the original producer price of \$6.91, the difference amounting to a decrease of 14 cents per cwt. This decrease amounts to 0.301 cents per quart of milk. According to Table A, section 11, this amount is rounded to ½ cent, which is subtracted from the originally established ceiling price of 27 cents per quart. This results in a new ceiling price of 25½ cents per quart.

The producer price shall be deemed to have been incurred upon the date of an announcement of a change in price made by the Market Administrator under the Federal Order if the change is retroactive; in all other cases of changes announced by such Market Administrator, upon the effective date of such changes; or upon the effective date of a change in price announced to the dairy farmer by the processor or the operator of a receiving plant.

A producer-processor or a producer-owned cooperative processor who does

not customarily purchase milk from independent producers shall use as the "producer price" paid for his most recent customary purchase the producer price (with adjustment for differences in delivery costs) paid for a customary purchase by his nearest competitor. The competitor must be one who receives delivery of the same quality of the commodity at firm prices for processing.

Adjustments in ceiling prices of milk products based on changes in prices of agricultural commodities other than milk may be made in the same manner as the adjustments based on changes in the producer prices of milk. Increases in ceiling prices under this section may be made only on the basis of increases in producer prices up to parity or other legal minima prescribed by the Defense Production Act of 1950, as amended.

If you determine your ceiling price under section 6 of this regulation, your parity adjustments will be the same as those of your most closely competitive seller.

In determining parity adjustments under this section, you may not increase the ceiling prices for two or more co-products obtained from the same whole milk, when the combined increases exceed the increase in the cost of the whole milk, except for the latitude in rounding fractions permitted by section 11 of this regulation.

Example No. 4: You incur a raw milk producer price increase of 36 cents per cwt., and you process the items listed below which have a butterfat content. This entitles you to only the following ceiling price increases:

	Cents
1. Homogenized Milk (all grades between 3.5 and 6 percent butterfat inclusive), per quart.....	1
2. Half-and-half (between 10 and 18 percent butterfat), per pint.....	1
3. Light Cream (between 18 and 31 percent butterfat), per half-pint.....	1
4. Heavy Cream (32 percent or over butterfat), per half-pint.....	2
5. Chocolate Milk (not drink), per quart.....	1

Adjustments for different sizes shall be computed in direct proportion to the sizes listed above. If increases are taken as in example No. 2 immediately above, no increase is permissible on the remaining skim milk by-products. It is permissible, however, to allocate the allowable ceiling price increase between your skim milk products and your milk products containing butterfat.

Upward adjustments under this section may not be made before the processor or the operator of a receiving plant deposits in the mail a registered letter to the Director of the Regional Office of Price Stabilization, Dallas, Texas, specifying the information required by section 14 (b) of this regulation. A report is also required by section 14 when any reduction in the producer price is incurred.

(b) *Distributors and operators of retail stores.* If you are a distributor, or the operator of a retail store who sells a milk product item, and if the cost to you of a current customary purchase of a milk product item from a customary source of supply changes from the ceiling price established by this reg-

ulation for such an item, you may increase and you must decrease your ceiling prices established under this regulation by the dollars-and-cents difference per item in these costs. Any reduction in price must be put into effect on the first day following the change in the price charged by your supplier.

SEC. 11. *Rounding.* (a) In computing a parity adjustment under section 10 of this regulation, you shall apply the rounding provisions of this paragraph. (1) If in computing an adjusted ceiling price you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it in accordance with the following tables:

TABLE A—MILK AND MILK PRODUCTS

(Excluding cream)

Increase or decrease in producer price (cents per quart)	Increase or decrease in ceiling price (cents per quart)
0.0—0.250.....	0
0.251—0.750.....	1/2
0.751 and over.....	1

TABLE B—CREAM

Increase or decrease in producer price (cents per 1/2 pint)	Increase or decrease in ceiling price (cents per 1/2 pint)
0.0—0.250.....	0
0.251—0.750.....	1/2
0.751 and over.....	1

(2) For the purpose of rounding fractions, you must calculate your parity adjustment from the producer price specified in section 5 of this regulation. Examples are given in section 10 which illustrate rounding after cost changes.

(3) Ceiling prices for container sizes smaller or larger than those provided above for milk products may be increased, but must be decreased, in direct proportion to the adjustments specified in Tables A and B of this section. (4) Processors and processor-distributors must send notices of increases or decreases due to parity adjustments under this section in accordance with the reporting requirements of paragraphs (b) and (c) of section 14.

(b) In computing your ceiling prices under section 5 of this regulation, or in computing a final ceiling price after having rounded your parity adjustment under paragraph (a) of this section, you shall apply the following rounding provisions to determine your ceiling price for a particular sale of an item: (1) If you are selling a single unit of an item and your computation for that item results in an amount per unit that includes a fraction less than a half-cent, your ceiling price for that single unit shall be the amount of the computation less the fraction; if the amount includes a fraction of a half-cent or more, your ceiling price for that single unit may be increased to the next higher cent. (2) If you are selling a number of items, fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. (3) If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption pur-

chased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 12. *Transfers of business or stock in trade.* If the business assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk products for fluid consumption in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this area milk price regulation if no such sale or transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available to the transferee all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Records.* (a) With respect to milk products covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this regulation.

(b) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization, all records showing prices and material and labor costs in the base period between January 1, 1950, and June 30, 1950, inclusive; records showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63, as amended; and records necessary to determine whether you have computed your ceiling prices correctly under this regulation. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) If you sell milk products covered by this area milk price regulation, you must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep which show the prices you charge for such products.

SEC. 14. *Reports.* (a) Within five days after the effective date of this regulation, if you are a processor or a processor-distributor, you must deposit in the mail a registered letter to the Regional Director of the Office of Price Stabilization, Dal-

las, Texas notifying the Director of (1) your General Ceiling Price Regulation base period ceiling price for each item of a milk product for fluid consumption; and, (2) your ceiling prices, as determined under section 5 of this regulation, for each item of a milk product for fluid consumption. This report shall be filed on OPS Public Form No. 124, which may be obtained from the Regional Office of Price Stabilization, Dallas, Texas. Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Regional Director. You shall not sell at the ceiling prices computed pursuant to section 5 until the Regional Director of the Office of Price Stabilization has received the report required by this paragraph, as shown by your return postal receipt.

(b) If you are a processor or processor-distributor you may not increase your ceiling price under section 10 of this regulation unless and until you first notify the Regional Director of the Office of Price Stabilization, Dallas, Texas, by registered mail. Your notification to the Regional Director must specify: (1) the place in which your processing plant is located; (2) your ceiling price for each item of a milk product for fluid consumption as determined under this regulation; (3) the producer price on which your new ceiling price is based; and (4) the readjusted ceiling price of each milk product item under section 10 of this regulation.

(c) If and when a reduction occurs in the producer price of your most recent customary purchase, if you are a processor or processor-distributor, you must notify the Regional Director by registered mail within five days. Your notification to the Director must set forth the information specified in paragraph (b) of this section.

(d) If you determine your ceiling prices under section 6 of this regulation, you must file your ceiling prices with the Regional Director in accordance with the requirements of section 6.

Sec. 15. Sales slips and receipts. If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

Sec. 16. Prohibitions. After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product for fluid consumption at a price exceeding the ceiling price established under this regulation.

Sec. 17. Charges lower than ceiling prices. Prices lower than ceiling, of course, may be charged, demanded, paid, or offered.

Sec. 18. Evasion. Any practice which results in obtaining indirectly a higher

price than is permitted by this area milk price regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

Sec. 19. Violation—(a) Civil and criminal action. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such a person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Sec. 20. Petitions for Amendment. Any protest, petition for amendment of this regulation or an amendment thereto, or request for interpretation of this regulation or an amendment thereto, may be filed in accordance with the provisions of the Price Procedural Regulation 1, Revised.

Sec. 21. Definitions—(a) Customary purchase. A customary purchase covers the receipt of all raw milk secured from your established and scheduled producer sources the purchases of which are subject to regulation by the Market Administrator of the North Texas Marketing Area.

(b) *Distributor.* A distributor is a person who purchases packaged milk products in the same form in which he sells them. A processor may also be a distributor.

(c) *Item.* An item is each grade and each container size and type of milk product list in paragraph (d) of this section, by class of purchaser.

(d) *Milk products for fluid consumption.* This term means standard milk, homogenized milk; vitamin and mineral fortified milk, highfat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drink; half-and-half; and cream of various percentages of butterfat, including sour cream. This regulation covers milk products whether they are to be sold at retail or wholesale, and

regardless of whether these products are to be sold in glass, paper, or other types of containers, or in bulk. It is not intended, however, for the definition of milk products for fluid consumption, to include milk, cream, skim milk or whey when such products are exempt from GCPR or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. This definition also does not include cottage, pot or bakers cheese, butter cream, filled cream, cream mixed with other ingredients or gases used as whipping cream, and other similar specialized fluid cream products. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, since such sales are covered by Ceiling Price Regulation 14. This definition applies only to milk, and products therefrom, produced by cows.

(e) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class is the seller with whom you are in most direct competition, even though he may perform a different function with regard to the commodity (for example, if you are a distributor of a milk product, your most closely competitive seller may be a processor). You are in direct competition with another seller who sells the same type of products to the same classes of purchasers in similar quantities, on similar terms and who supplies approximately the same amount of service.

(f) *North Texas Milk Marketing Area.* This term is defined in section 2.

(g) *Person.* This term includes any individual, corporation or a division or unit thereof, partnership, association, or any other organized group of persons or legal successors or representatives thereof, and the United States Government or any other government or its political subdivisions or agencies conducting business within the marketing area.

(h) *Processor.* A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A processor may also be a distributor.

(i) *Producer price.* This term is defined in section 5 (d).

(j) *Purchasers of the same class and purchasers of different classes.* This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government Agency, public institutions or individual consumer) or for purchasers located in different areas, or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery. Where a seller in the GCPR base period charged the same price to two different customers in sales made at the same time, the two customers are to be considered as purchasers of the same class, in spite of the fact that the two different customers may differ functionally. Where a seller in the base period customarily charged different prices to two different customers in sales made at the same time, each of such customers is to be considered as a

different class of purchaser in view of the seller's pricing practice, in spite of the fact that the two different customers may not differ functionally. In such a situation, the seller's ceiling price for sales to each of such customers would be the highest price at which he delivered the commodity to that particular customer during the base period.

(k) *Sales point.* A quart of milk product sold (except cream and half-and-half) is equal to one sales point; sales points for all other sizes of containers are related to the quart unit in direct proportion to the size of the container sold. In the case of cream (of all kinds), a one-half pint sold is equal to one sales point; sales points for all other sizes of containers are related to the one-half pint unit in direct proportion to the size of the container sold. A pint of half-and-half containing 10-18 percent fat and less fat than cream shall be considered one sales point, and all other size containers shall be calculated in direct proportion thereto.

(l) *Typical differential.* This term is defined in section 5 (c).

(m) *You.* The pronoun "you" means any person who is subject to this area milk price regulation.

Effective date of this regulation. This area milk price regulation issued under Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation shall become effective April 14, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ALFRED L. SEELYE,
Regional Director, Region X,
Office of Price Stabilization.

MARCH 27, 1952.

[P. R. Doc. 52-3656; Filed, Mar. 27, 1952,
12:20 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 94]

GCPR, SR 94—CUSTOM SMELTING AND REFINING OF COPPER, LEAD AND ZINC ORES AND CONCENTRATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits smelting and refining companies who entered into long-term service contracts prior to January 26, 1951 to process copper, lead and zinc ores, concentrates and other intermediate metal forms for sellers of these refined metals to collect higher charges incurred on and after July 1, 1951 under those contracts, where such charges were made dependent upon stated variations in costs. Contracts renewed since January 26, 1951 upon the same terms, may also reflect added costs incurred since July 1, 1951. Ceiling

prices for services in all new contracts, or renewals upon new terms when charges are made dependent upon stated variations in costs may reflect added costs incurred since July 1, 1951, but ceiling prices must be in line with charges made prior to January 26, 1951.

A number of smelting and refining companies, in addition to treating ores and concentrates for their own account, conduct a custom smelting and refining business handling ores and concentrates for various producers. These producers are generally the largest mining companies who are in a position to sell their own refined metal. Large tonnages of copper, lead and zinc ores, concentrates, and other intermediate metal forms are handled under this type of contract. One such smelter treats approximately 28 percent of the domestic mine production of copper at one plant under this type of service contract.

A large segment of the industry has historically operated under this type of contract. These toll or service contracts are long term agreements in which the charge is a fixed sum or on large tonnages a weighted average cost per ton. The major costs to the smelter or refiner are labor and certain fuel costs and, to cover any changes in these expenses over the life of the contract, these contracts contain an escalator clause wherein the charge per ton for servicing varies with the changing costs of these major expenses. In this manner the producers, smelters and refiners have historically shared among themselves the distribution of increased costs occurring over long term contracts. Because of these adjustment factors, the earnings margin is both small and constant.

The General Ceiling Price Regulation froze the prices of these services without allowing for changes under the terms of these contracts.

The principal custom smelting and refining companies have been subject to a number of labor disputes and strikes occurring since January 26, 1951. Substantial direct wage increases have been approved by the Wage Stabilization Board, and added "fringe" benefits, are being negotiated. The increases granted have been made retroactive to July 1, 1951, resulting in increased costs that cannot be absorbed in the limited earnings margin provided in these long-term contracts. The major producers pointed out the effect of their increases to this agency early in 1951.

The sellers of refined metal who process their own ores have experienced like increases in costs resulting in higher costs of processing to them. Sellers of metal who were under contract to have their ores processed by others have obtained an advantage since July 1, 1951 because the smelters were unable to collect the added costs under the escalator clauses, which the sellers of the refined metal would have incurred had they done their own processing. To place all sellers in the same relative position, this regulation allows the escalator clause to be effective as to all services rendered since July 1, 1951, thus the cost of processing their ores will affect all sellers of the refined metal in like manner from

the effective date of the major labor cost increases.

The ceiling price of refined metal is fixed under the General Ceiling Price Regulation and this regulation does not effect any change in the ceiling price of these metals. This regulation allowing the producer and refiner to adjust their costs among themselves as they have done historically, will not affect the ultimate price to the consumer of refined lead, copper, or zinc, nor the general level of prices.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Title IV of the Defense Production Act of 1950, as amended. In formulating this supplementary regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Adjustment provisions.
3. Definitions.
4. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat., 816, Pub. Law 96, 82d Cong., 50 U. S. C., App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong., 50 U. S. C., App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this supplementary regulation does. This supplementary regulation grants permission to smelters and refiners of copper, lead or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, who contracted in writing prior to January 26, 1951, for a period of one year or more, to perform services of smelting or refining such materials for sellers of refined metals, to adjust their prices to reflect added costs incurred since July 1, 1951, where such contracts contain provisions for increased charges based upon increased costs. The same increases in costs incurred on and after July 1, 1951, are permitted under such contracts which have been extended or renewed since January 26, 1951. Clauses in contracts made since January 26, 1951, which provide for increased prices based upon increased costs may reflect added costs incurred since July 1, 1951, but the service charges in the contracts must be in line with service charges under contracts made prior to January 26, 1951.

SEC. 2. Adjustment provisions. (a)

If you are a smelter or refiner and prior to January 26, 1951, you entered into a written conversion contract for a period of one year or more with a seller of refined metals to perform services of smelting or refining with respect to copper, lead, or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, and such contract provided that adjustments in the price of such services could be made in accordance with certain variations in costs, your ceiling price may reflect cost increases incurred since July 1, 1951 and you may charge and collect prices determined in accordance

with the terms of your contract reflecting such increases for all services subsequent to July 1, 1951.

(b) If any contract described in paragraph (a) of this section was extended or renewed after January 26, 1951 without a change in its pricing terms, you may charge and collect prices determined in accordance with the terms of such contract reflecting increases in costs since July 1, 1951 for all services subsequent to July 1, 1951.

(c) If you make or made a new conversion contract in writing after January 26, 1951, with a seller of refined metal to perform services of smelting or refining copper, lead, or zinc ores, concentrates, matte, speiss, slimes, bullion or blister, for a period of one year or more, your ceiling price for these conversion services is the price provided in the contract and may be based upon changes in costs incurred since July 1, 1951 if (1) the price does not reflect any cost factors not reflected in a similar contract entered into by you prior to January 26, 1951 and (2) the price does not reflect a rate or dollars amount of margin over costs in excess of the rate or dollars amount provided for in a similar contract entered into by you prior to January 26, 1951.

Sec. 3. Definitions. When used in this regulation the term:

(2) "Seller of refined metal" means a person regularly and customarily engaged in the sale of refined copper, lead or zinc, to consumers for fabrication and end-use.

(b) "Conversion contract" means a contract which requires the smelter or refiner to return processed metal to the person who supplies the ores, concentrates, matte, speiss, slimes, bullion or blisters.

Sec. 4. Incorporation of GCPR provisions. Any person subject to this supplementary regulation is also subject to all provisions of the GCPR not inconsistent with the provisions of this regulation.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective April 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 27, 1952.

[F. R. Doc. 52-3659; Filed, Mar. 27, 1952; 12:21 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation No. 6, Direction 2 as Amended March 27, 1952]

CMP REG. NO. 6—CONSTRUCTION

DIR. 2—MATERIALS FOR RECONSTRUCTION OR REPAIR OF DISASTER DAMAGE

This amended direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with

industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Direction 2 to Revised CMP Regulation No. 6 is hereby amended in the following respects:

1. By eliminating the specific references to the disaster which occurred in 1951 in the States of Kansas, Missouri, and Oklahoma;

2. By conforming the cross references to Revised CMP Regulation No. 6, and by eliminating the cross references to NPA Order M-4A (which was revoked on March 6, 1952); and

3. By substituting the definition of "owner" from Revised CMP Regulation No. 6 in place of the definition of "prime contractor" which was in the original direction.

As amended, Dir. 2 to Revised CMP Regulation No. 6 reads as follows:

Sec.

1. What this direction does.
2. Definitions.
3. Use of allotment number and rating.
4. Certification.
5. Reports.
6. Filing applications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. What this direction does. This direction authorizes any business enterprise, Government agency, or institution, located in any area which has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, to obtain material for the reconstruction or repair of damage caused by any such disaster to any building, structure, or project, except a building, structure, or project of a type specified in Table I of Revised CMP Regulation No. 6. It permits the limited placing of authorized controlled material orders and DO rated orders for such purposes, notwithstanding certain restrictions established by CMP Regulation No. 5, Revised CMP Regulation No. 6, and other NPA regulations and orders. It does not apply to repair or replacement of equipment or supplies, since such repair or replacement is covered by Direction 2 to CMP Regulation No. 5.

Sec. 2. Definitions. As used in this direction:

(a) "Reconstruction" means restoring to substantially the same size and condition, on the same site, any building, structure, or project which has been damaged by storm, fire, flood, or other disaster, or by act of God.

(b) "Repair" means such work as is necessary to rehabilitate a building, structure, or project, or any portion thereof, when the same has been rendered unsafe or unfit for service by storm, fire, flood, or other disaster, or by act of God.

(c) "Project" has the meaning specified in section 2 of Revised CMP Regulation No. 6.

(d) "Owner" means the person who owns the building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a completed project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this direction.

Sec. 3. Use of allotment number and rating. (a) Any owner which is a business enterprise, Government agency, or institution, located in any area which, as the result of a disaster has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, may use the allotment number X4 on delivery orders for controlled materials including materials for Class A products, and the rating DO-X4 on delivery orders for building equipment, building materials other than controlled materials, production machinery, and production equipment required as a result of damage caused by such disaster, in order to reconstruct or repair any building, structure, or project destroyed in whole or in part through such a disaster, except a building, structure, or project of a type specified in Table I of Revised CMP Regulation No. 6. However, such allotment number shall not be used to procure more than the following quantities of controlled materials (including materials for Class A products): Steel, 25 tons; copper and copper-base alloys, 2,000 pounds; aluminum, 1,000 pounds. Further, no person shall use the rating DO-X4 except as permitted by section 9 of Revised CMP Regulation No. 6.

(b) Such allotment number or DO rating may be used only on purchase orders placed within 180 days after the occurrence of the damage necessitating the reconstruction or repair.

(c) A purchase order bearing the allotment number X4 and certified as provided in section 4 of this direction shall constitute an authorized controlled material order for the purpose of all NPA regulations and orders. A delivery order bearing the rating DO-X4 and certified as provided in section 4 of this direction shall constitute a rated order with an allotment number for the purpose of all NPA regulations and orders.

(d) Any person who obtains materials or products pursuant to this direction may do so in addition to any materials or products obtained pursuant to CMP Regulation No. 5, and Revised CMP Regulation No. 6, and the directions thereunder.

(e) Except as provided in paragraph (d) of this section, any person who is entitled under any other NPA order (such as, but not limited to: M-46, M-46B, M-50, M-70, M-73, M-77, and M-78) to obtain materials and products for MRO or construction, shall obtain such materials and products under the provisions of such order or by applying to the appropriate claimant agency or to NPA, as the case may be, and shall not use in the allotment number X4 or the rating DO-X4.

(f) Any product or material obtained with the use of the allotment number

X4 or the rating DO-X4 may be used only for the purposes and subject to the conditions specified in this direction.

SEC. 4. Certification. Every purchase order bearing the allotment number X4 or the rating DO-X4 must contain a certification in the following form:

Certified under Direction 2 to Revised CMP Regulation No. 6

Such certification shall be signed as provided in section 12 of Revised CMP Regulation No. 6. Further, the provisions of paragraphs (f) and (g) of section 12 of Revised CMP Regulation No. 6 shall apply to all persons who certify purchase orders under this section.

SEC. 5. Reports. Any person who uses the allotment number X4 or the rating DO-X4 to place purchase orders for materials or products in any one calendar month exceeding a total cost of \$1,000 to him, must inform NPA by letter of such purchase orders, specifying separately the total cost of controlled materials ordered and the total cost of products and materials other than controlled materials ordered. In addition, reports on purchase orders for controlled materials, including materials for Class A products, shall show quantities of (a) carbon steel (including wrought iron), (b) alloy steel (except stainless steel), (c) stainless steel, (d) copper and copper-base alloy brass mill products, (e) copper wire mill products, (f) copper and copper-base alloy foundry products and powder, and (g) aluminum, in each case without further breakdown. Reports on all purchase orders placed within any one calendar month must be mailed within 10 days after the end of that month. All such letters, as well as other communications concerning this direction, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: Dir. 2 to Revised CMP Regulation No. 6.

SEC. 6. Filing applications. If any person requires controlled materials for

reconstruction or repair in quantities greater than permitted herein, he shall apply on Form CMP-4C and file his application with the appropriate claimant agency at the address indicated in Table IV of Revised CMP Regulation No. 6.

NOTE: All record-keeping and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This direction as amended shall take effect March 27, 1952.

NATIONAL PRODUCTION
AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-3648; Filed, Mar. 27, 1952;
11:11 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 51-15187, appearing at page 12982 of the issue for Thursday, December 27, 1951, the following changes should be made:

1. In the first sentence of § 6.170 the phrase "\$500 or not less than \$1,000" should read "\$500 and not less than \$1,000."

2. In the second sentence of § 6.170 the word "minimum" should be "premium."

3. In the 23d line of § 8.77 (b) (2) the words "elect to refund" should read "elect a refund."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

POSTPONEMENT OF EFFECTIVE DATE

Upon further consideration of the record in the above-entitled proceeding, and of an injunction entered by the United States District Court for the Southern District of Indiana, Indianapolis Division, in Eastern Motor Express, Inc., et al., plaintiffs, v. U. S. and I. C. C., defendants, Civil Action No. 2825, dated March 6, 1952, enjoining the Commission's order of May 8, 1951, in this proceeding, "until the final disposition by the Supreme Court of the United States of the appeal of said petitioners heretofore allowed herein, and until the further order of this court";

It is ordered, That the order entered in said proceeding on May 8, 1951, which was subsequently modified to become effective April 1, 1952, be and it is hereby, further modified to become effective upon further order of the Commission, following the termination in the Supreme Court of the appeal referred to in the Court's order of March 6, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 20th day of March A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3528; Filed, Mar. 27, 1952;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952,
74th Supp.]

INDUSTRIAL INDEMNITY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MARCH 22, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$433,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which,
No. 62—4

when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3508; Filed, Mar. 27, 1952;
8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 2, Amdt. 1]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA,
CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the (Acting) Secretary of Defense and the

Director of Defense Mobilization, dated March 21, 1952 (17 F. R. 2582), that the Savannah River, Georgia-South Carolina, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 2 (17 F. R. 1363), is hereby amended to apply to the area described as:

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale and Barnwell Counties in South Carolina; Richmond County, Columbia County, and McDuffie County, and District 81-Wrens (including Wrens Town) in Jefferson County, in Georgia.)

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52-3576; Filed, Mar. 26, 1952;
12:37 p. m.]

[Determination 83, Amdt. 1]

MIDLAND, PENNSYLVANIA, CRITICAL
DEFENSE HOUSING AREAAPPROVAL OF EXTENT OF RELAXATION OF
CREDIT CONTROLS

In view of the joint certification by the (Acting) Secretary of Defense and the Director of Defense Mobilization, dated March 21, 1952 (17 F. R. 2582), that the Midland, Pennsylvania, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 83 (17 F. R. 1375), is hereby amended to apply to the area described as:

Midland, Pennsylvania, Area. (The area consists of (1) that part of Beaver County North and East of the Ohio River, except the following: the Townships of Economy and Harmony, the Boroughs of Ambridge, Baden, and Conway and that portion of the Borough of Ellwood City which lies within Beaver County; and (2) the townships of Potter and Center and the Borough of Monaca, Beaver County; all in Pennsylvania.)

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52-3575; Filed, Mar. 26, 1952;
12:37 p. m.]

[Determination 98]

LAWRENCE-OLATHE, KANSAS, CRITICAL
DEFENSE HOUSING AREAAPPROVAL OF EXTENT OF RELAXATION OF
CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9, of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, dated March 19, 1952, that the Lawrence-Olathe, Kansas, Area. (This area consists of Douglas County, Kansas, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSoto, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County; and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville, in Wyandotte County; all in the State of Kansas) is a critical defense housing area, and in view of the defense housing program announced for the said area on March 19, 1952, by the

Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lawrence-Olathe, Kansas, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

MARCH 21, 1952.

[F. R. Doc. 52-3577; Filed, Mar. 26, 1952;
12:37 p. m.]

Office of Price Stabilization

[Region II, Redelegation of Authority 30]

DIRECTORS OF DISTRICT OFFICES,
REGION IIREDELEGATION OF AUTHORITY TO RECEIVE
AND PROCESS NOTICES OF PARITY ADJUST-
MENTS PURSUANT TO SECTION 11 (f) AND
(g) OF THE GENERAL CEILING PRICE REGU-
LATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey Offices of Price Stabilization to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and, if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority shall take effect on March 26, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

MARCH 25, 1952.

[F. R. Doc. 52-3553; Filed, Mar. 25, 1952;
4:45 p. m.][Region IV, Redelegation of Authority No.
14, Amdt. 1]DIRECTORS OF DISTRICT OFFICES, REGION
IVREDELEGATION OF AUTHORITY TO ACT UNDER
CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to

Amendment 1 to Delegation of Authority No. 38 (17 F. R. 1784), this Amendment 1 to Region IV, Redelegation of Authority No. 14 (17 F. R. 1199) is hereby issued.

Region IV, Redelegation of Authority No. 14 is amended by inserting a new paragraph 2 to read as follows:

2. Authority to act under section 12 of CPR 101, as amended. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV to act under section 12 of CPR 101, as amended.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3554; Filed, Mar. 25, 1952;
4:45 p. m.][Region IV, Redelegation of Authority
No. 27]

DIRECTORS OF DISTRICT OFFICES, REGION IV

REDELEGATION OF AUTHORITY TO ACT UNDER
SECTION 8 OF SR 1 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 54 (17 F. R. 1831), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3555; Filed, Mar. 25, 1952;
4:45 p. m.][Region IV, Redelegation of Authority
No. 28]DIRECTORS OF DISTRICT OFFICES,
REGION IVREDELEGATION OF AUTHORITY TO TAKE
CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under section 15, 16, or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13 or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b), and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,

Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3556; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region IV, Redelegation of Authority No. 29]

DIRECTORS OF DISTRICT OFFICES,
REGION IV

REDELEGATION OF AUTHORITY TO RECEIVE AND PROCESS NOTICES OF PARITY ADJUSTMENTS PURSUANT TO SECTION 11 (f) AND (g) OF THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV pursuant to Delegation of Authority No. 57 (17 F. R. 2349), this redelegation of authority is hereby issued.

Authority to act under section 11 (f) and (g) of General Ceiling Price Regulation. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to receive notices of parity adjustment increases submitted by processors or manufacturers pursuant to section 11 (f) of the General Ceiling Price Regulation and if the increase is deemed unreasonable, excessive, or otherwise improper, to disapprove the price and restore the old ceiling price or establish a new ceiling price with power to apply it retroactively, pursuant to section 11 (g) of said regulation. In processing such notices, the District Directors may obtain any relevant additional information.

This redelegation of authority is effective April 1, 1952.

W. F. BAILEY,

Director of Regional Office No. IV.

MARCH 25, 1952.

[F. R. Doc. 52-3557; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region VII, Redelegation of Authority No. 28]

DIRECTORS OF DISTRICT OFFICES,
REGION VII

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92, AND TO APPROVE, DENY, OR REQUEST FURTHER INFORMATION CONCERNING, FILINGS MADE PURSUANT TO SECTION 42 (b) AND SECTION 42 (c) (5) AND (6) OF CPR 92

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 27, dated November 8, 1951 (16 F. R. 11468), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to process statements filed under sections 6 and 12 of Ceiling Price Regulation 92, and to approve, deny, or request further information concerning, filings made pursuant to section 42 (b) or section 42 (c) (5) and (6) of Ceiling Price Regulation 92 and filings made pursuant to section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority shall take effect March 26, 1952.

MICHAEL J. HOWLETT,

Director of Regional Office No. VII.

MARCH 25, 1952.

[F. R. Doc. 52-3558; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region VII, Redelegation of Authority No. 29]

DIRECTORS OF DISTRICT OFFICES,
REGION VII

REDELEGATION OF AUTHORITY TO ACT
UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region VII, pursuant to the provisions of Delegation of Authority No. 32, dated November 23, 1951 (16 F. R. 11891), this redelegation of authority is hereby issued:

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region VII to act under sections 12, 43 (a) and (b), 44 (a) and (b), 45 (a) and (b), 46, 47, 49, 50 and 60 (c) of Ceiling Price Regulation 74.

This redelegation of authority shall take effect March 26, 1952.

MICHAEL J. HOWLETT,

Director of Regional Office No. VII.

MARCH 25, 1952.

[F. R. Doc. 52-3559; Filed, Mar. 25, 1952; 4:45 p. m.]

[Region XI, Redelegation of Authority No. 34]

DIRECTORS OF ALL DISTRICT OFFICES,
REGION XI

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1, DISTRIBUTION OF LIVESTOCK AND MEAT

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority II, Revision 1 (17 F. R. 2145), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office or this Regional Office may direct with respect to applications made under section 15, 16 or 19 of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office or this Regional Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under section 9, 13, or 14 of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b), and 20 (d) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect as of March 20, 1952.

GEORGE F. ROCK,

Director of Regional Office No. XI.

MARCH 25, 1952.

[F. R. Doc. 52-3560; Filed, Mar. 25, 1952; 4:45 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 207, Amdt. 2]

AMERICAN LUGGAGE WORKS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 207 under section 43, Ceiling Price Regulation 7, established retail ceiling prices for luggage manufactured by American Luggage Works, Inc., and hav-

ing the brand name "American Tourister."

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated February 6, 1952.

Amendatory provisions. Special Order 207 under section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in the manufacturer's application dated April 18, 1951," insert the words "as supplemented and amended by its applications dated August 9, 1951 and February 6, 1952."

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated February 6, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than March 27, 1952.

Effective date. This amendment shall become effective March 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3452; Filed, Mar. 21, 1952; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 849]

TUTTLE SILVER CO., INC., AND SMITH &
SMITH CO., A SUBSIDIARY

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, 46 Pine Street, Attleboro, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which, in the judgment of the Director, indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This special order, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The

preticketing method established by this special order is necessary because the articles covered by the special order are characteristically not adaptable to the usual preticketing method.

The special order contains provisions requiring each article on display to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver flatware and hollowware manufactured by Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, 46 Pine Street, Attleboro, Massachusetts, having the brand name "Tuttle" designated by a pinetree shilling, shall be the proposed retail ceiling prices listed by Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary in its application dated November 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than April 21, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 21, 1952, Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book and a supply of tags and stickers. Such a sign, a price book and a supply of tags and stickers shall also be sent, on or

before the date of the first delivery of an article covered by paragraph 1 of this special order, subsequent to the effective date of this special order. The sign must contain the following legend:

The retail ceiling prices for Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, sterling silver flatware and hollowware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary, price book have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

Tuttle Silver Co., Inc., and Smith & Smith Co., a subsidiary
OPS—Sec. 43—CPR 7
Price \$-----

On and after June 20, 1952, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. Prior to June 20, 1952, unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed. This retail ceiling price must be written on the tag or sticker by the retailer.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to

whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our Price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... per.....	unit, dozen, etc.
	Terms
	net, percent EOM, etc.
	\$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective March 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MARCH 21, 1952.

[F. R. Doc. 52-3457; Filed, Mar. 21, 1952; 4:49 p. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1228, G-1832]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FINDINGS AND ORDER

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 18, 1952, issuing certificate of public convenience and necessity and modifying prior certificate authorization (14 F. R. 6073) in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3536; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. G-1652]

GULF-MICHIGAN GAS TRANSMISSION CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION, VACATING ORDER FIXING DATE OF HEARING, AND TERMINATING PROCEEDING

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 19, 1952, permitting withdrawal of application without prejudice, vacating order fixing date of hearing, and terminating proceeding in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3537; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket Nos. G-1858, G-1877]

SOUTH JERSEY GAS CO. AND CITIES
SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDERS

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its orders entered March 18, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3538; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO, SUPERSEDING PREVIOUS AUTHORIZATION, AND RELEASING PRESIDENTIAL PERMIT

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico; superseding previous authoriza-

tion (13 F. R. 7373), and releasing Presidential Permit in Docket No. E-6374.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3539; Filed, Mar. 27, 1952; 8:49 a. m.]

[Docket No. IT-5832]

DUKE POWER CO.

NOTICE OF FINDINGS AND ORDER

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, terminating proceeding in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3540; Filed, Mar. 27, 1952; 8:49 a. m.]

LAWRENCEBURG GAS CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING RECLASSIFICATION AND ORIGINAL COST STUDIES

MARCH 24, 1952.

Notice is hereby given that on March 20, 1952, the Federal Power Commission issued its order entered March 18, 1952, extending time for filing reclassification and original cost studies in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3541; Filed, Mar. 27, 1952; 8:50 a. m.]

[Project No. 346]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT DRAWINGS AND IMPOSING ANNUAL LAND CHARGE

MARCH 24, 1952.

Notice is hereby given that on March 21, 1952, the Federal Power Commission issued its order entered March 18, 1952, approving revised exhibit drawings and imposing annual land charge in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-3542; Filed, Mar. 27, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 66]

RAILROADS SERVING CERTAIN STATES

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the railroads serving the States of Arkansas, Missouri, Kentucky, Ten-

nessee, Mississippi, Alabama and Georgia are unable to transport traffic routed over their lines, due to tornados and high water. *It is ordered, That:*

(a) Rerouting traffic: Railroads serving the States of Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Alabama and Georgia unable to transport traffic in accordance with shippers' routing, because of tornados and high water, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., March 23, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., April 5, 1952, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 23, 1952.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-3529; Filed, Mar. 27, 1952;
8:48 a. m.]

[4th Sec. Application 26907]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN NEW ENGLAND AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Cardinale Trucking Corporation.

Commodities involved: All commodities.

Between: Boston, Mass., Providence, R. I., New Haven, Conn., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3530; Filed, Mar. 27, 1952;
8:48 a. m.]

[4th Sec. Application 26908]

MOTOR-RAIL-MOTOR RATES BETWEEN BOS- TON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Lowell Trucking Corporation.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3531; Filed, Mar. 27, 1952;
8:48 a. m.]

[4th Sec. Application 26909]

MERCHANDISE IN MIXED CARLOADS FROM NASHVILLE, TENN., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Chicago, Burlington & Quincy Railroad Company and other carriers.

Commodities involved: Merchandise, in mixed carloads.

From: Nashville, Tenn.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-3532; Filed, Mar. 27, 1952;
8:48 a. m.]

[4th Sec. Application 26910]

WOODPULP FROM NATCHEZ, MISS., TO
LAWRENCE, KANS.

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1260.

Commodities involved: Woodpulp, carloads.

From: Natchez, Miss.

To: Lawrence, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1260, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,

Secretary.

[F. R. Doc. 52-3533; Filed, Mar. 27, 1952;
8:49 a. m.]

[4th Sec. Application 26911]

ONIONS FROM RACINE, WIS., TO MISSISSIPPI VALLEY TERRITORY

APPLICATION FOR RELIEF

MARCH 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 699.

Commodities involved: Onions (without tops), carloads.

From: Racine, Wis.

To: Points in Mississippi Valley territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Scheduled filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 699, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-

vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,

Secretary.

[F. R. Doc. 52-3534; Filed, Mar. 27, 1952;
8:49 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-2815]

ARKANSAS POWER AND LIGHT CO. AND
MIDDLE SOUTH UTILITIES, INC.

ORDER PURSUANT TO RULE U-23 REGARDING
SALE BY SUBSIDIARY TO PARENT OF COM-
MON STOCK FOR CASH CONSIDERATION

MARCH 24, 1952.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and one of its electric utility subsidiaries, Arkansas Power and Light Company ("Arkansas"), having filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 9 (a), 10 and 12 (f) thereof, and Rule U-43 of the rules and regulations promulgated thereunder with respect to the following:

Arkansas has authorized 5,000,000 shares of \$12.50 per share par value common stock of which 3,060,000 shares are outstanding, all of which are owned by Middle South. Arkansas proposes to issue and sell and Middle South proposes to acquire 800,000 additional shares of the Arkansas common stock at the par value thereof, resulting in an aggregate cash consideration of \$10,000,000 to be paid to Arkansas by Middle South. Proceeds from the sale of the stock will be used by Arkansas to finance, in part, its construction program. Additional funds necessary to finance the construction program will be raised from the sale of such other securities as may be appropriate, and which will be the subject of further application before this Commission.

Said application-declaration having been filed on March 4, 1952, an amendment thereto having been filed on March 20, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of the common stock of Arkansas have been expressly author-

ized by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business; that the sale of said stock is for the purpose of financing the business of Arkansas as a public utility; and that the acquisition of said stock by Middle South has the tendency required by section 10 of the act, and that no adverse findings are necessary thereunder; and the Commission deeming it appropriate to grant said application and to permit said declaration, as amended, to become effective without the imposition of terms and conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,

Secretary.

[F. R. Doc. 52-3505; Filed, Mar. 27, 1952;
8:45 a. m.]

[File No. 70-2824]

MISSISSIPPI GAS CO.

NOTICE OF FILING REGARDING PROPOSED IS-
SUANCE AND SALE OF PRINCIPAL AMOUNT
OF FIRST MORTGAGE BONDS

MARCH 24, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Mississippi Gas Company ("Mississippi"), a subsidiary of Southern Natural Gas Company ("Southern"), a registered holding company. Declarant has designated section 7 of the act as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 11, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 11, 1952 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Mississippi proposes the issuance and sale of its First Mortgage Bonds --- Percent Series, due 1972, to mature 20 years

from the date thereof in the principal amount of \$1,000,000 to be sold at private sale. After negotiations with prospective purchasers, Mississippi will file an amendment to its declaration setting forth the interest rate and other provisions of said First Mortgage Bonds. The proceeds of the sale of said bonds are to be used for the payment in full of its presently outstanding \$860,000 of notes and for construction of additions to its property and to reimburse its treasury for working capital used prior to January 1, 1952, for construction of additions to its property.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-3507; Filed, Mar. 27, 1952;
8:46 a. m.]

[File No. 70-2830]

**NEW ENGLAND GAS AND ELECTRIC ASSN.
NOTICE OF PROPOSED AMENDMENT TO DECLARATION OF TRUST WITH RESPECT TO RESIDENCE REQUIREMENTS FOR TRUSTEES AND CERTAIN OTHER MATTERS**

MARCH 24, 1952.

Notice is hereby given that New England Gas and Electric Association ("NEGEA"), a registered holding company, has filed a declaration pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 promulgated thereunder with respect to the transaction which is summarized below:

Section 6 of NEGEA's Declaration of Trust provides, among other things, that all of the company's Trustees, the number of which is fixed at nine, shall be residents of Massachusetts, and that the shareholders shall at any annual meeting, or any special meeting held in lieu thereof, fix the number of Trustees within the limits above specified and elect Trustees to the number so fixed.

NEGEA proposes to amend section 6 of its Declaration of Trust so that it will provide, among other things, that at least two-thirds of the Company's nine Trustees shall be residents of Massachusetts and each of the remaining Trustees shall be residents of one of the New England States, and to further amend said section so as to eliminate the language referred to hereinabove which appears to confer authority upon the shareholders to fix the number of Trustees within certain limitations.

NEGEA also proposes, in connection with the annual meeting of shareholders to be held on May 6, 1952, to solicit proxies from its shareholders with respect to the election of Trustees and for the purpose of amending section 6 of the Declaration of Trust in the manner indicated hereinabove.

The declaration states that the proposed amendment of the residence requirements has been occasioned by the recent change of residence of a Trustee, John Fox, from Brookline, Massachusetts, to Fairfield, Connecticut, coupled with belief of the other Trustees that Fox should, if possible, remain as a

Trustee. The other Trustees also believe that the broadened ownership of NEGEA's shares in the other New England States might appropriately be recognized by the proposed amendment. The declaration also indicates that amendment of the Declaration of Trust as proposed will eliminate certain obsolete wording which is no longer effective. The declaration further states that in order to amend the Declaration of Trust, it is necessary to obtain the consent of the holders of a majority of the outstanding common shares and of the holders of a majority of the outstanding preferred shares. A copy of the solicitation material which NEGEA proposes to send to its shareholders has been filed with the Commission as an exhibit to the company's declaration.

Notice is further given that any interested person may, not later than April 1, 1952 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 52-3506; Filed, Mar. 27, 1952;
8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18806]

ALLGEMEINE WAREN-FINANZIERUNGS-GESELLSCHAFT M. B. H.

In re: Bank account owned by Allgemeine Waren - Finanzierungs - Gesellschaft m. b. H. F-28-747-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., the last known address of which is Schliessfach 12, Berlin W 56, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to Janu-

ary 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Allgemeine Waren Finanzierungs Gesellschaft, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allgemeine Waren-Finanzierungs-Gesellschaft m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3544; Filed, Mar. 27, 1952;
8:50 a. m.]

[Vesting Order 18807]

BAYERISCHE VEREINSBANK

In re: Bank account owned by Bayerische Vereinsbank. F-28-1133-E-5.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bayerische Vereinsbank the last known address of which is Munich, Germany, is a corporation, partnership, association or other business organization, which on or since December 11,

1941, and prior to January 1, 1947, was organized under the laws of and had its principal places of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Bayerische Vereinsbank by The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an Inactive Unpaid Foreign Draft Account in the name of Bayerische Vereinsbank, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bayerische Vereinsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3545; Filed, Mar. 27, 1952;
8:50 a. m.]

[Vesting Order 18808]

HANS BORCHERS AND ADELHEID BORCHERS

In re: Debt owing to Hans Borchers and Adelheid Borchers. D-28-96.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Borchers and Adelheid Borchers, each of whose last known address is Germany, on or since December

11, 1951, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Borchers and Adelheid Borchers, by C. B. Richard & Co., 60 Beaver Street, New York 4, New York, representing dividends and rights on six hundred (600) shares of stock of Anchor Post Fence Co., and Anchor Post Products, Inc., on deposit in an Unclaimed Dividend Account at said C. B. Richard & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Borchers and Adelheid Borchers, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3546; Filed, Mar. 27, 1952;
8:50 a. m.]

[Vesting Order 18809]

EUGEN LEMBERGER

In re: Stock owned by Eugen Lemberger. F-28-23169-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Eugen Lemberger, whose last known address is Neckaroniger Strasse, Ossweil, Ludwigsburg, Wtbg., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Three (3) shares of no par value common capital stock of Detroit & Canada Tunnel Corporation, 200 Bates Street, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered 2982, registered in the name of Eugen Lemberger, together with all declared and unpaid dividends thereon, and any and all rights of exchange for \$10.00 par value stock of the aforesaid corporation on a three for one basis,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugen Lemberger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3547; Filed, Mar. 27, 1952;
8:50 a. m.]

[Vesting Order 18810]

KARL AND MAX PHILLIP

In re: Securities owned by and debt owing to Karl Phillip and Max Phillip. F-28-23577-E-1; A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Ex-

Executive Order 9889 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Phillip and Max Phillip, who on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain Diversy Hotel Corporation 6 percent first and general mortgage income bonds due June 1, 1947, of \$1,000 aggregate face value said bonds presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with any and all rights thereunder and thereto,

b. Those certain Lincoln Forty-Second Street Corporation 20 year Sinking fund 6½ percent gold debentures due June 1, 1948, of \$2,000.00 aggregate face value, said debentures presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with any and all rights thereunder and thereto,

c. Twenty (20) shares of no par value common stock of Lincoln Forty-Second Street Corporation, evidenced by a certificate or certificates presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of no par value common stock of 208 South La Salle Street Corporation, evidenced by a certificate or certificates presently in the custody of the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, in a safekeeping account in the name of Karl or Max Phillip, numbered 27862, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to Karl Phillip and Max Phillip by the Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, arising out of a blocked Savings Account, in the name of Karl or Max Phillip, numbered 298823, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Phillip and Max Phillip, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3548; Filed, Mar. 27, 1952; 8:50 a. m.]

[Vesting Order 14826, Amdt.]

FRITZ VON OPEL ET AL.

In re: Debt owing to Fritz von Opel, Elinor von Opel Sachs and Marta von Opel.

Vesting Order 14826, dated June 26, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 3 of said Vesting Order 14826 the date "May 16, 1931" and substituting therefor the date "March 16, 1931".

All other provisions of said Vesting Order 14826 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3549; Filed, Mar. 27, 1952; 8:51 a. m.]

[Vesting Order 18789, Amdt.]

KISAKU HASHIMOTO ET AL.

In re: Securities owned by KISAKU Hashimoto, and others.

Vesting Order 18789, dated, March 3, 1952, is hereby amended as follows and not otherwise:

By deleting from subparagraph 3 of the aforesaid Vesting Order 18789 the name, "The Consolidated Mines Company", and substituting therefor the name, "The Goldfield Consolidated Mines Company".

All other provisions of said Vesting Order 18789, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3550; Filed, Mar. 27, 1952; 8:51 a. m.]

JOSEPH RICHARD BARTHELEMY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Richard Barthelemy, Monte Carlo, Monaco; Claim No. 41877; \$57.80 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature relating to the musical compositions "Caresse de Papillon, Triste Ritorno" and "Visions Blanches," as listed in Exhibit A of Vesting Order No. 3552 (9 F. R. 6464, June 9, 1944) to the extent owned by Joseph Richard Barthelemy immediately prior to the vesting thereof by Vesting Order No. 3552.

Executed at Washington, D. C., on March 21, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3551; Filed, Mar. 27, 1952; 8:51 a. m.]

OVERSEAS TRUST CORP., LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following

property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Overseas Trust Corporation, Ltd., Johannesburg, South Africa; Claim No. 26697; 50

shares of \$100 par value common capital stock of Central American Plantations Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, currently in the safe-keeping of the Comptroller's Branch of the Office of Alien Property, 120 Broadway, New York, N. Y.; \$3,650 in the Treasury of the United States returnable to the claimant.

Executed at Washington, D. C., on March 21, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3552; Filed, Mar. 27, 1952;
8:51 a. m.]

